

# NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION

515-519 WEST 43<sup>RD</sup> STREET REDEVELOPMENT SITE

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515-519 WEST 43<sup>RD</sup> STREET AND 514-518 WEST 44<sup>TH</sup> STREET  
SECTION 1, BLOCK 1072, LOTS 21, 42, AND 44  
NEW YORK, NEW YORK

PREPARED FOR:  
BH GROUP 43 LLC  
1526 52<sup>ND</sup> STREET  
BROOKLYN, NEW YORK 11219



H & A OF NEW YORK  
ENGINEERING AND GEOLOGY, LLP  
213 West 35<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, NY 10001  
Tel: 646.518.7735

Revised 15 January 2025  
9 December 2024  
File No. 0211280

New York State Department of Environmental Conservation  
Division of Environmental Remediation, Site Control Section  
625 Broadway, 11th Floor  
Albany, New York 12233

Subject: Brownfield Cleanup Program Application  
515-519 West 43rd Street Redevelopment Site  
515-519 West 43rd Street and 514-518 West 44th Street  
BCP Site Number C231161  
New York, New York 10036 (Site)

Ladies and Gentlemen,

H & A of New York Engineering and Geology, LLP (Haley & Aldrich of New York), on behalf of BH Group 43 LLC, has prepared this revised Brownfield Cleanup Program (BCP) Application for the above-referenced Site in response to comments received by the New York State Department of Environmental Conservation (NYSDEC) in a letter dated 23 December 2024 and a letter addendum dated 6 January 2025. The revised BCP Application addresses the NYSDEC comments as follows:

**Section I: Property Information**

- NYSDEC Comment: Narrative – Past Use of Site – please include possible source(s) of contamination.

**Response:** The Past Site Use narrative in Section I has been revised to include possible sources of contamination.

- NYSDEC Comment: Note that additional comments regarding the Environmental Assessment may be included in the attached Project Manager's comments.

**Response:** Noted.

### **Section III: Land Use Factors**

- NYSDEC Comment: Current Use Narrative – should emphasize identifying possible contaminant source areas.

**Response:** The Current Use narrative in Section III has been revised to emphasize identifying possible contaminant source areas.

### **Section IV: Property's Environmental History**

- NYSDEC Comment: Please see attached comments provided by the Project Manager.

**Response:** Attached comments provided by the Project Manager have been addressed as indicated below.

### **Section IX: Current Property Owner and Operator Information**

- NYSDEC Comment: Provide email addresses for all property owners.

**Response:** The BCP Application form and narrative for Section IX have been revised to include email addresses for all property owners.

- NYSDEC Comment: Provide telephone numbers for more recent previous property owners.

**Response:** Section IX has been revised to include telephone numbers for more recent previous property owners.

- NYSDEC Comment: Provide telephone numbers for more recent previous property operators.

**Response:** Section IX has been revised to include telephone numbers for more recent previous property operators.

### **Section XI: Site Contact List**

- NYSDEC Comment: Provide email addresses for all property owners.

**Response:** The Site Contact List in Section XI has been revised to include email addresses for all property owners.

- NYSDEC Comment: For all R2 sites, include the Director of the Mayor's Office of Environmental Coordination.

**Response:** The Site Contact List in Section XI has been revised to include the Director of the Mayor's Office of Environmental Coordination.

### **Section XII: Statement of Certification and Signatures**

- NYSDEC Comment: Provide a complete date of signature in the format of mm/dd/yyyy.

**Response:** Section XII has been revised to include a complete date of signature in the format of mm/dd/yyyy.

### **Additional Comments**

- NYSDEC Comment: Please include a cover letter reiterating Site Control comments, including Applicant responses and indicating where revisions can be found within the revised application.

**Response:** This cover letter was prepared to reiterate Site Control comments, include Applicant responses, and indicate where revisions can be found within the revised application.

- NYSDEC Comment: In the top section of Page 1 of the revised application, please select “yes” to indicate that the submittal is a revised application and include the NYSDEC site code in the subject line of this letter.

**Response:** The top section of Page 1 of the revised application has been revised to select “yes” to indicate that the submittal is a revised application and to include the NYSDEC site code.

### **Project Manager Comments Regarding Section I - Environmental Assessment and/or Section IV - Property's Environmental History**

1. Section IV.2, Sampling Data: Please revise the soil summary table so the detection frequencies only identify contaminants which exceed the RRSCOs, since the intended use is residential, and no groundwater data was included in the application to warrant application of PGWSCOs at this time.

**Response:** The soil summary table in Section IV.2 has been revised to identify contaminants which exceed the RRSCOs only.

2. Sampling Results Figures 6 and 7: Please include the tax lot boundaries on both figures.

**Response:** Figures 6 and 7 have been revised to include the tax lot boundaries.

3. The Application should be revised to mention the open enforcement action on Lot 42. There is an open Consent Order (Case No: R2-20241114-367) for the current owner of 514 West 44th Street (owner is 514 West 44th Street, Inc.). An NOV (PBS Facility No.: 2-611830) was issued on 11/12/2024, all violations were corrected by 12/18/2024, and payment is due by 1/18/2025.

**Response:** The Site Features narrative in Section I has been revised to mention the open enforcement action on Lot 42.



New York State Department of Environmental Conservation  
Revised 15 January 2025  
9 December 2024

Enclosed in the folder shared via email with the NYSDEC is the full revised BCP Application (the "Application") and a Draft Remedial Investigation Work Plan, which is being submitted concurrently with this Application. Previous reports that are relevant to the Site are referenced throughout this Application and copies of the full reports are provided as attachments.

Should you have any questions, please do not hesitate to contact me at 646.277.5688 or via email at [JBellew@haleyaldrich.com](mailto:JBellew@haleyaldrich.com).

Sincerely,

**H & A OF NEW YORK ENGINEERING AND GEOLOGY, LLP**



Nicole A. Mooney  
Project Geologist



Luke J. McCartney, P.G.  
Project Manager



James M. Bellew  
Principal

Enclosed copies provided via email to:

Rivka Ashkenazi (BH Group 43 LLC)  
Zev Steinmetz (BH Group 43 LLC)  
George C. D. Duke (Fox Rothschild LLP)

Email: [bhy11219@yahoo.com](mailto:bhy11219@yahoo.com)  
Email: [zev@cdcony.com](mailto:zev@cdcony.com)  
Email: [gduke@foxrothschild.com](mailto:gduke@foxrothschild.com)



**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 [DESiteControl@dec.ny.gov](mailto:DESiteControl@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, 11<sup>th</sup> Floor  
Albany, NY 12233-7020

**PROPOSED SITE NAME:** 515-519 West 43rd Street Redevelopment Site

**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: \_\_\_\_\_

☐

Yes

☒

No

**Is this a revised submission of an incomplete application?**

If yes, provide existing site number: C231161

☒

Yes

☐

No



BCP App Rev 15 – May 2023

**SECTION I: Property Information**

PROPOSED SITE NAME **515-519 West 43rd Street Redevelopment Site**

ADDRESS/LOCATION **514-519 West 43rd Street**

CITY/TOWN **New York**

ZIP CODE **10036**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **New York**

COUNTY **Manhattan**

SITE SIZE (ACRES) **0.346**

LATITUDE

LONGITUDE

40° 45' 39.67" 73° 59' 44.76"

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>515-519 West 43rd Street</b>	<b>1</b>	<b>1072</b>	<b>21</b>	<b>0.2307</b>	
<b>514 West 44th Street</b>	<b>1</b>	<b>1072</b>	<b>42</b>	<b>0.0576</b>	
<b>518 West 44th Street</b>	<b>1</b>	<b>1072</b>	<b>44</b>	<b>0.0576</b>	
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.				<b>Y</b>	<b>N</b>
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 checked="" type="radio"/>	<input 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"/>

SECTION I: Property Information (CONTINUED)		Y	N
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.  <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):  <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
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.		<input checked="" type="radio"/>	<input 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>			
<b>Initials of each Requestor:</b> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

## 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? R9/CL

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 ☐

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?

☒ ☐

7. Is the proposed post-remediation use a renewable energy facility?  
See application instructions for additional information.

☐ ☒

8. Do current and/or recent development patterns support the proposed use?

☒ ☐

9. Is the proposed use consistent with applicable zoning laws/maps?  
Please provide a brief explanation. Include additional documentation if necessary.

☒ ☐

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.

☒ ☐

## 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 checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Chlorinated Solvents			<input checked="" type="checkbox"/>
Other VOCs			
SVOCs	<input checked="" type="checkbox"/>		
Metals	<input checked="" type="checkbox"/>		
Pesticides			
PCBs			
PFAS			
1,4-dioxane			
Other – indicated below			

\*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

4. 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 checked="" type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: Commercial operations, warehouse, garage, auto repair, farrier, printing, motor freight station

**SECTION V: Requestor Information**

NAMEBH Group 43 LLC

ADDRESS1526 52nd Street

CITY/TOWNBrooklyn

STATENY

ZIP CODE11219

PHONE(718) 974-9783

EMAILbhy11219@yahoo.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)

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"/> Y	<input checked="" type="radio"/> N
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:		
<b>PARTICIPANT</b> <input type="checkbox"/> <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>	<b>VOLUNTEER</b> <input checked="" type="checkbox"/> <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>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		



**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 Rivka Ashkenazi

ADDRESS 1526 52nd Street

CITY Brooklyn

STATE NY

ZIP CODE 11219

PHONE (718) 974-9783

EMAIL bhy11219@yahoo.com

REQUESTOR'S CONSULTANT (CONTACT NAME) James M. Bellew

COMPANY H & A of New York Engineering and Geology, LLP

ADDRESS 213 West 35th Street, 7th Floor

CITY New York

STATE NY

ZIP CODE 10001

PHONE (646) 568-9357

EMAIL JBellew@haleyaldrich.com

REQUESTOR'S ATTORNEY (CONTACT NAME) George C.D. Duke

COMPANY Fox Rothschild LLP

ADDRESS 101 Park Avenue, 17th Floor

CITY New York

STATE NY

ZIP CODE 10178

PHONE (212) 450-9847

EMAIL gduke@foxrothschild.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 NKM Proscia LLC (Lot 21); 514 West 44th Street, Inc. (Lot 42); AR Real Estate Management Inc. (Lot 44)

CONTACT NAME Nick Proscia (Lot 21); Andrew Rosenberg (Lots 42 and 44)

ADDRESS 515 West 43rd Street (Lot 21); 514 West 44th Street (Lot 42); 518 West 44th Street (Lot 44)

CITY New York      STATE NY      ZIP CODE 10036

PHONE (973) 432-2261      EMAIL ncpverona@aol.com; stylemgmt@aol.com

OWNERSHIP START DATE 5/16/2005 (Lot 21); 11/11/2009 (Lot 42); 10/1/1998 (Lot 44)

CURRENT OPERATOR Avis Budget Group, Inc.; Auto Repair Taxi Garages (Refer to Attachments G and H)

CONTACT NAME Philip Engle; Andrew Rosenberg

ADDRESS 379 Interpace Parkway; 514 West 44th Street; 518 West 44th Street

CITY Parsippany; New York      STATE NJ; NY      ZIP CODE 07054

PHONE (973) 496-2011      EMAIL philip.engle@avisbudget.com; stylemgmt@aol.com

OPERATION START DATE various - see attached detail

**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.  <div style="text-align: right;">N/A <input checked="" type="radio"/></div>	<input type="radio"/>	<input 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 authorized signatory (title) of BH Group 43 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: 1/6/25

Signature: 

Print Name: Rivka Ashkenazi

**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.

**BCP App Rev 15**

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 checked="" 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 checked="" 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 checked="" type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input checked="" type="radio"/>
Underutilized	<input type="radio"/>	<input checked="" 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.

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**ATTACHMENT A**

**Section I: Property Information**

## SECTION I: PROPERTY DESCRIPTION NARRATIVE

### ***Site Location***

The Site is located at 515-519 West 43rd Street and 514-518 West 44th Street in the Hells Kitchen neighborhood of New York, New York, and is identified as Block 1072 Lots 21 (515-519 West 43rd Street), 42 (514 West 44th Street), and 44 (518 West 44th Street), respectively, on the New York City Tax Map. The Site is bounded to the north by West 44th Street followed by Public School 051, The Elias Howe School; to the east by a 15-story mixed residential and commercial building; to the south by West 43rd Street followed by a 35-story mixed residential and commercial building; and to the west by M479 Beacon High School and a one-story automotive repair shop.

A project locus is included as Figure 1. An aerial photograph of the Site is included as Figure 2. A tax map is included as Figure 3. A map showing surrounding land use is included as Figure 4. A map showing the disadvantaged community overlay is included as Figure 5.

### ***Site Features***

The Site is approximately 0.346 acres (15,070 square feet) in size and is improved with an active one- to three-story commercial building with a partial cellar and a one-story add-on, currently occupied by “Avis,” an automotive rental company (Lot 21), and two active one-story auto repair taxi garages (Lots 42 and 44).

Lot 42 is under an open Consent Order (Case No. R2-20241114-367) for the current owner (514 West 44th Street, Inc.), and a notice of violation (PBS Facility No. 2-611830) was issued on 12 November 2024. All violations were corrected by 18 December 2024 and payment is due by 18 January 2025.

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

According to the New York City Planning Commission Zoning Map 8c, the Site is located in an R9 zoning area within the Special Clinton District, characterized by residential and commercial uses. The proposed development of this property is consistent with the current zoning.

### ***Past Site Use***

Based on the Phase I Environmental Site Assessment (ESA) completed by H & A of New York Engineering and Geology, LLP (Haley & Aldrich of New York) in November 2024, the Site was developed by 1890 with nine unlabeled structures; three three-story and two four-story structures on Lot 21, one three-story and one five-story structure on Lot 42, and a one-story structure and a three-story structure on Lot 44. By 1899, one of the three-story structures on Lot 21 was razed and a new five-story structure was constructed. The 1911 Sanborn Fire Insurance Map depicts the structures on the Site as storefronts and dwellings, with the southeastern building on Lot 21 labeled as “Job Printer” and the one-story building on the northwestern portion of Lot 44 as “Farrier.” Additionally, the three- to five-story buildings on the Site were depicted with basements. By 1930, the four buildings present on the southern portion of Lot 21 were demolished and the existing three-story building was constructed and operated as the “Park & Tilford” warehouse built in 1920. The one- and three-story buildings on Lot 44 were connected by a one-story addition and operated as an auto repair shop with a buried 550-gallon gasoline tank. By 1950, the three-story building on Lot 21 was depicted as a service station and garage; the storefront on Lot 42 was depicted as a printing shop; and the building on Lot 44 was razed. By 1968, the building on Lot 21 operated as a parking garage with the five-story building razed and the current one-story addition constructed. The two one-story buildings on Lots 42 and 44 were constructed and operated as an auto

repair shop and a motor freight station, respectively. By 1979, Lot 44 and the one-story addition on Lot 21 were operated as auto repair facilities. Additionally, two gasoline 550-gallon underground storage tanks (USTs) were located beneath the cellar's concrete floor of the building on Lot 21, which were abandoned-in-place in the 1970s as per recommendation from the local Fire Marshall. By 1991, the one-story addition on Lot 21 was depicted as commercial use. The Site remains relatively unchanged through the present and is currently operating as an automotive rental service and two active auto repair and taxi garages. A 4,000-gallon gasoline UST, located under the slab of the first-floor area on Lot 21, and a 250-gallon waste oil aboveground storage tank (AST) associated with auto repair activities, located in the northeastern portion of the garage on Lot 42, are in service at the Site.

Possible sources of contamination at the Site include commercial, industrial, and auto-related uses, including auto repair shops and a service station, and the presence of USTs. Additionally, three recognized environmental conditions (RECs) were identified at the Site in the November 2024 Phase I ESA, including: former and current use of the Site for auto-related purposes and the presence of USTs; documented chlorinated volatile organic compound (CVOC) contamination in groundwater and soil vapor in upgradient and/or adjacent properties; and staining on walls/floors and poor housekeeping throughout the subject property.

#### ***Site Geology and Hydrogeology***

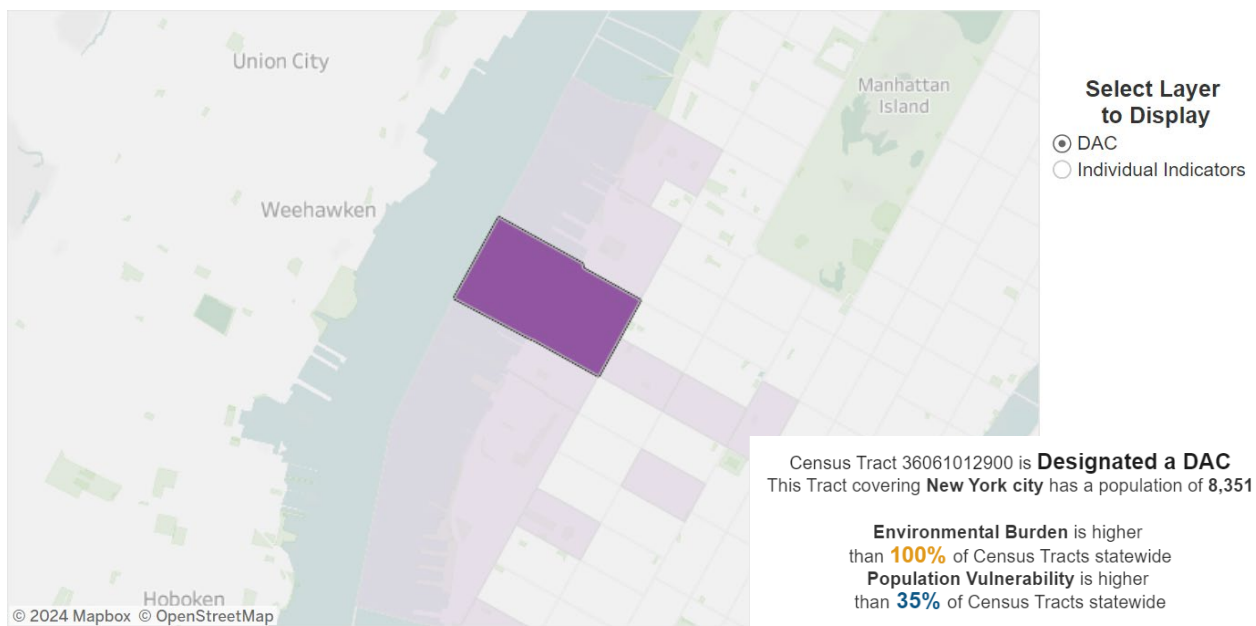
Based on findings from the November 2024 Limited Phase II Environmental Site Investigation (ESI) Report, fill material generally consisting of light brown to brown, medium to coarse sand with fines, brick, coal fragments, stone, and pebbles was observed from surface grade to depths between approximately 7.5 and 10 feet (ft) below grade surface (bgs) in the soil borings advanced at sidewalk grade on the Site. Soil observed from the cellar on Lot 21 generally consisted of brown to dark brown medium to coarse silty sand with potential weathered rock and pebbles. Refusal was encountered in the cellar at 3 to 4 feet (ft) below grade surface (bgs). Groundwater was not encountered during previous investigations; however, it is anticipated at approximately 10 ft bgs.

The topography of the Site is generally flat and the ground level elevation on the Site is approximately 19 ft above mean sea level (amsl).

#### ***Environmental Zone Designation***

The Site is not located in an Enzone.

This Site is 100 percent located in a Disadvantaged Community (DAC).



## SECTION I.14: ENVIRONMENTAL ASSESSMENT

BH Group 43 LLC (the “Requestor”) seeks entry into the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) at the investigation stage. The following reports were previously completed for the Site:

- *Phase I and Limited Phase II Environmental Site Assessment*, prepared by Langan Engineering & Environmental Services, Inc. (Langan), prepared for Cendant Car Rental Group, Inc. (Cendant), 13 January 2005.
- *ASTM Phase I Environmental Site Assessment*, prepared by Haley & Aldrich of New York, Prepared for BH Group 43 LLC, 6 November 2024.
- *515-519 West 43rd Street and 514-518 West 44th Street Limited Environmental Site Investigation Summary*, prepared by Haley & Aldrich of New York, prepared for BH Group 43 LLC, 6 November 2024.

These reports are summarized below in Section IV.1 and are appended to this application package. Based on previous investigations, the primary contaminants of concern of the Site include petroleum-related volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs; specifically polycyclic aromatic hydrocarbons [PAHs]), and metals (specifically lead) in soil and VOCs (including petroleum-related VOCs and CVOCs) in soil vapor. Additional investigation is necessary to determine the potential source(s) of contamination. The existing structure presents impediments to investigation in select portions of the Site, specifically in the southern portion of the Site. Building access and overhead clearance limited the type of drilling and sampling equipment able to be used during the Limited Phase II. A summary of findings from the October 2024 Limited Phase II ESI is provided below:

### **Soil**

Soil analytical results were compared to NYSDEC Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (NYCRR) Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs), Restricted-Residential Use Soil Cleanup Objectives (RRSCOs), and Protection of Groundwater Soil Cleanup Objectives (PGWSCOs).

Based on the data collected in July and October 2024, multiple SVOCs (specifically PAHs) and total metals (specifically lead) were detected in the northern portion of the Site exceeding UUSCOs, RRSCOs, and/or PGWSCOs to depths up to 10 ft bgs. SVOCs detected above UUSCOs, RRSCOs, and/or PGWSCOs included benzo(a)anthracene (maximum concentration of 47 milligrams per kilogram [mg/kg]), benzo(a)pyrene (maximum concentration of 43 mg/kg), benzo(b)fluoranthene (maximum concentration of 54 mg/kg), benzo(k)fluoranthene (maximum concentration of 19 mg/kg), chrysene (maximum concentration of 48 mg/kg), dibenzo(a,h)anthracene (maximum concentration of 6.5 mg/kg), and indeno(1,2,3-cd)pyrene (maximum concentration of 28 mg/kg). Lead was detected above the UUSCOs, RRSCOs, and PGWSCOs at a maximum concentration of 2,720 mg/kg.

Additionally, petroleum-related VOCs were detected in the southern portion of the Site exceeding UUSCOs, RRSCOs, and/or PGWSCOs to depths up to 4 ft bgs within the partial cellar of the existing building. Petroleum-related VOCs detected above UUSCOs, RRSCOs and/or PGWSCOs included 1,2,4-trimethylbenzene (maximum concentration of 230 mg/kg), 1,3,5-trimethylbenzene (maximum

concentration of 75 mg/kg), ethylbenzene (maximum concentration of 2.1 mg/kg), naphthalene (maximum concentration of 34 mg/kg), and total xylenes (maximum concentration of 140 mg/kg).

Comparisons of soil analytical results to UUSCOs, RRSCOs, and PGWSCOs are mapped on Figure 6.

### ***Soil Vapor***

Total VOC concentrations in sub-slab and soil vapor samples ranged from 74.14 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) in SV-03 to a maximum concentration of 4,009.90  $\mu\text{g}/\text{m}^3$  in SV-06. Total benzene, toluene, ethylbenzene, and xylenes (BTEX) concentrations ranged from 7.517  $\mu\text{g}/\text{m}^3$  in SV-01 to a maximum concentration of 2,257.20  $\mu\text{g}/\text{m}^3$  in SV-06. Total CVOC concentrations ranged from non-detect in SV-06 to a maximum concentration of 154.25  $\mu\text{g}/\text{m}^3$  in SV-05.

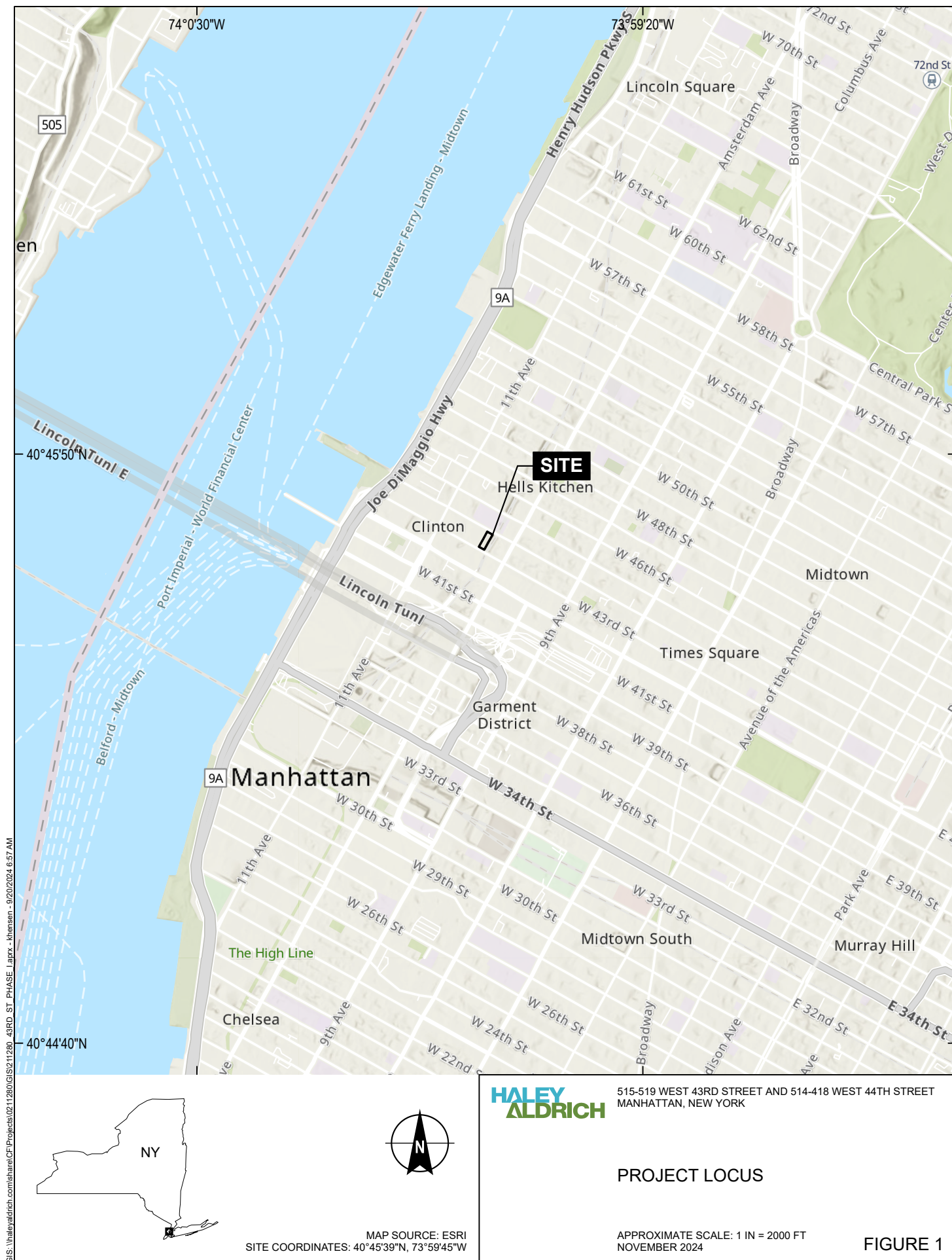
Several petroleum-related VOCs were detected above laboratory reporting limits in multiple soil vapor samples collected, including benzene (maximum concentration of 68.4  $\mu\text{g}/\text{m}^3$  in SV-02), toluene (maximum concentration of 573  $\mu\text{g}/\text{m}^3$  in SV-06), ethylbenzene (maximum concentration of 291  $\mu\text{g}/\text{m}^3$  in SV-06), total xylenes (maximum concentration of 1,362  $\mu\text{g}/\text{m}^3$  in SV-06), 1,2,4-trimethylbenzene (maximum concentration of 90.5  $\mu\text{g}/\text{m}^3$  in SV-05), 1,3,5-trimethylbenzene (maximum concentration of 23  $\mu\text{g}/\text{m}^3$  in SV-05), 2,2,4-trimethylpentane (maximum concentration of 45.9  $\mu\text{g}/\text{m}^3$  in SV-02), and naphthalene (maximum concentration of 6.29  $\mu\text{g}/\text{m}^3$  in SV-05).

Several CVOCs were detected above laboratory detection limits in multiple soil vapor samples collected, including tetrachloroethene (PCE; maximum concentration of 135  $\mu\text{g}/\text{m}^3$  in SV-05), trichloroethene (TCE; maximum concentration of 4.44  $\mu\text{g}/\text{m}^3$  in SV-01), methylene chloride (maximum concentration of 4.93  $\mu\text{g}/\text{m}^3$  in SV-05), and chloroform (maximum concentration of 111  $\mu\text{g}/\text{m}^3$  in SV-01).

1,1,1-trichloroethane was detected above laboratory detection limits in one sub-slab vapor sample, SV-05, at a concentration of 11.6  $\mu\text{g}/\text{m}^3$ .

Acetone, n-heptane, and hexane were detected in each soil vapor sample above laboratory detection limits at maximum concentrations of 815  $\mu\text{g}/\text{m}^3$  in SV-06, 56.1  $\mu\text{g}/\text{m}^3$  in SV-06, and 49  $\mu\text{g}/\text{m}^3$  in SV-05, respectively. Ethanol was detected in multiple samples at a maximum concentration of 520  $\mu\text{g}/\text{m}^3$  in SV-06. The emerging contaminant 1,4-dioxane was detected in SV-05 only at a concentration of 5.73  $\mu\text{g}/\text{m}^3$ .

Detections in soil vapor are mapped on Figure 7.







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**LEGEND**

-  SITE BOUNDARY
-  PARCEL BOUNDARY

**NOTES**

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: KINGS COUNTY
3. AERIAL IMAGERY SOURCE: NEARMAP, 18 JUNE 2024



0 30 60  
SCALE IN FEET

**HALEY  
ALDRICH**

515-519 WEST 43RD STREET AND 514-418 WEST 44TH STREET  
MANHATTAN, NEW YORK

**SITE PLAN**


NOVEMBER 2024


**FIGURE 2**



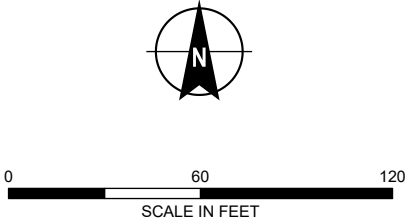


**LEGEND**

 SITE BOUNDARY

 TAX LOT BOUNDARY

- NOTES**
1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
  2. TAX LOT DATA SOURCE: KINGS COUNTY
  3. AERIAL IMAGERY SOURCE: NEARMAP, 18 JUNE 2024



**HALEY  
ALDRICH**

515-519 WEST 43RD STREET AND 514-418 WEST 44TH STREET  
MANHATTAN, NEW YORK

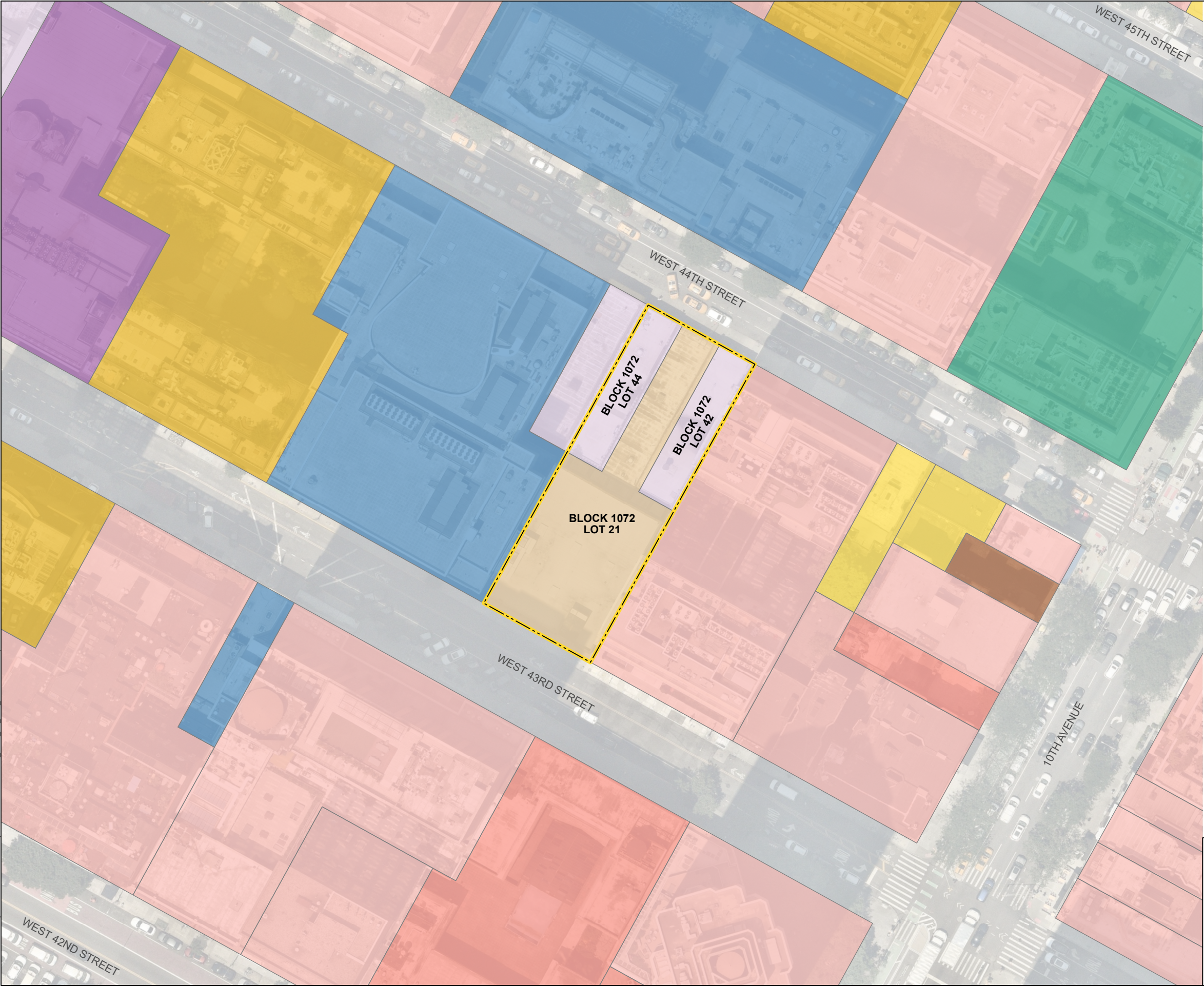
TAX MAP

NOVEMBER 2024

FIGURE 3



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LEGEND

- MULTI-FAMILY WALK-UP BUILDINGS
- MULTI-FAMILY ELEVATOR BUILDINGS
- MIXED RESIDENTIAL AND COMMERCIAL BUILDINGS
- COMMERCIAL AND OFFICE BUILDINGS
- INDUSTRIAL AND MANUFACTURING BUILDINGS
- TRANSPORTATION AND UTILITY
- PUBLIC FACILITIES AND INSTITUTIONS
- PARKING FACILITIES
- VACANT LAND
- NOT CATEGORIZED
- SITE BOUNDARY
- PARCEL BOUNDARY

NOTES

- ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
- ASSESSOR PARCEL AND LAND USE DATA SOURCE: KINGS COUNTY
- AERIAL IMAGERY SOURCE: NEARMAP, 18 JUNE 2024



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SCALE IN FEET

HALEY  
ALDRICH

515-519 WEST 43RD STREET AND 514-518 WEST 44TH STREET  
MANHATTAN, NEW YORK

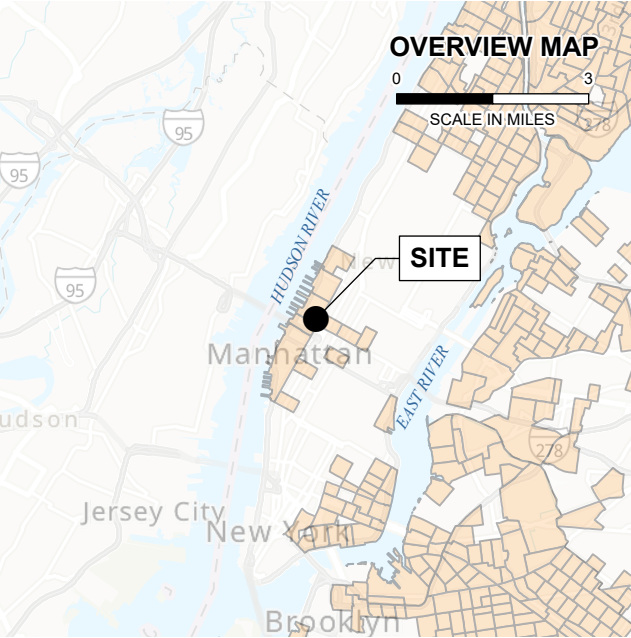
LAND USE

NOVEMBER 2024

FIGURE 4



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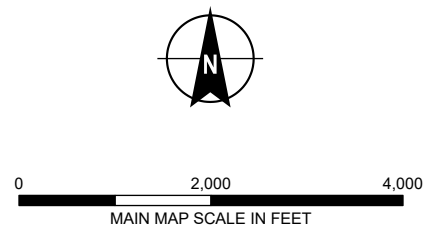


**LEGEND**

● SITE

DISADVANTAGED COMMUNITY, NEW YORK CITY AREA

- NOTES**
- 1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
  - 2. DISADVATAGED COMMUNITY DATA SOURCE: THE NEW YORK STATE ENERGY RESERACH AND DEVELOPMENT AUTHORITY (NYSEDA) AND THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) DISADVANTAGED COMMUNITIES CRITERIA MAPS, 2023
  - 3. BASEMAP SOURCE: ESRI



**HALEY ALDRICH** 515-519 WEST 43RD STREET AND 514-518 WEST 44TH STREET  
MANHATTAN, NEW YORK

DISADVANTAGED COMMUNITIES

## **ATTACHMENT B**

### **Section II: Project Description**

## SECTION II: PROJECT DESCRIPTION

The purpose of the project is to redevelop a contaminated property in addition to implementing remedial measures to protect human health and the environment. The Site is three rectangular-shaped lots and is improved with an active one- to three-story commercial building with a partial cellar and a one-story add-on, currently occupied by “Avis,” an automotive rental company (Lot 21), and two active one-story auto repair taxi garages (Lots 42 and 44). The Site was formerly occupied by print shops, a farrier, the “Park & Tilford” warehouse, parking garages, a service station, auto repair shops, and various commercial operations. The Site has been assigned an E-designation for hazardous materials, noise, and air quality as part of the West Clinton Rezoning.

### ***Proposed Development***

Although future development plans are in preliminary design phases, the proposed redevelopment will consist of one 20-story residential building with a cellar level requiring excavation to approximately 14 ft bgs.

### ***Rationale for BCP***

The Requestor seeks to enter the NYSDEC BCP at the investigation stage.

Upon review of analytical results from previous environmental investigations conducted at the Site (discussed in further detail in Section IV), the Requestors seek to enter the NYSDEC BCP due to the contaminants of concern identified at the Site, primarily petroleum-related VOCs, SVOCs (specifically PAHs), and metals (specifically lead) in soil, and petroleum-related VOCs and CVOCs in soil vapor.

While the previous investigations provided preliminary Site characterization data, they did not fully determine the nature and extent of contamination. Requestor is, therefore, also submitting for NYSDEC approval a Draft Remedial Investigation Work Plan (RIWP) along with this BCP Application.

### ***Project Schedule***

It is anticipated that the Remedial Investigation will commence once Requestor is accepted into the BCP and the RIWP is approved by the NYSDEC. Implementation of the remedy would start within six to eight weeks following acceptance of the Remedial Investigation Report by NYSDEC. Completion of the remedy is anticipated by April 2026 with a Certificate of Completion expected in 2026. A tentative project schedule is below.

Task	Start	End	2024				2025												2026											
			Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct		
Preparation and Submission of BCP Application, RIWP and CPP	9/15/2024	12/15/2024																												
NYSDEC BCP Application and RIWP Review	12/15/2024	2/1/2025																												
30-Day Public Comment Period for BCP Application	2/1/2025	3/1/2025																												
Execute Brownfield Cleanup Agreement	3/1/2025	4/1/2025																												
NYSDEC & NYSDOH Approval of RIWP	4/1/2025	5/1/2025																												
Implementation of Remedial Investigation	5/1/2025	6/15/2025																												
Preparation and Submission of RIR and RAWP	6/15/2025	8/15/2025																												
NYSDEC & NYSDOH Review of RIR & RAWP	8/15/2025	10/1/2025																												
45-Day Public Comment Period for RAWP	10/1/2025	11/15/2025																												
Issuance of Decision Document	11/15/2025	1/1/2026																												
Implementation of RAWP with Engineering Oversight	1/1/2026	5/1/2026																												
Preparation of FER, SVI Evaluation and SMP (if required)	5/1/2026	7/1/2026																												
NYSDEC & NYSDOH Review of FER (and SMP, if required)	7/1/2026	9/1/2026																												
NYSDEC Issues COC	9/1/2026	11/1/2026																												

Notes:

1. Schedule is estimated and subject to change.
2. Implementation of RAWP does not include completion of building construction
3. NYSDEC - New York State Department of Environmental Conservation
4. NYSDOH - New York State Department of Health
5. BCP - Brownfield Cleanup Program
6. BCA = Brownfield Cleanup Agreement
7. RIWP = Remedial Investigation Work Plan
8. CPP = Citizen Participation Plan
9. RIR = Remedial Investigation Report
10. RAWP - Remedial Action Work Plan
11. FER - Final Engineering Report
12. SVI - Soil Vapor Intrusion
13. SMP - Site Management Plan
14. COC - Certificate of Completion
15. COC issuance estimated for October 2026 and prior to 31 December 2026

## **ATTACHMENT C**

### **Section III: Land Use Factors**

### **SECTION III: LAND USE FACTORS**

#### ***Zoning***

According to the New York City Planning Commission Zoning Map 8c, the Site is located within a residential R9 zoning area within the Special Clinton District, characterized by residential and commercial uses.

#### ***Current Use***

The Site is improved with an active one- to three-story commercial building with a partial cellar encompassing the entirety of Lot 21, currently occupied by an “Avis” car rental shop, and two active one-story auto repair taxi garages encompassing the entirety of Lots 42 and 44, respectively. Possible contaminant source areas include urban fill up to a depth of approximately 10 ft bgs, active auto repair and maintenance operations, including petroleum bulk storage and distribution areas (one 4,000-gallon UST, fuel transfer lines, and pump islands), documented CVOC contamination in groundwater and soil vapor in upgradient and/or adjacent properties; and staining on walls/floors and poor housekeeping throughout the subject property.

#### ***Intended Use Post-Remediation***

Although future development plans are in preliminary design phases, the proposed redevelopment will consist of one 20-story residential building with a cellar level requiring excavation to approximately 14 ft bgs.

#### ***Compliance with Applicable Zoning Laws, Recent Development, and Community Master Plans***

The proposed development of this property is consistent with the current zoning.





**ATTACHMENT D**

**Section IV: Property's Environmental History**

## SECTION IV.1: REPORTS

The following reports were prepared for the Site prior to the Requestors' application:

- *Phase I and Limited Phase II Environmental Site Assessment*, prepared by Langan, prepared for Cendant, 13 January 2005.
- *ASTM Phase I Environmental Site Assessment*, prepared by Haley & Aldrich of New York, Prepared for BH Group 43 LLC, 6 November 2024.
- *515-519 West 43rd Street and 514-518 West 44th Street Limited Environmental Site Investigation Summary*, prepared by Haley & Aldrich of New York, prepared for BH Group 43 LLC, 6 November 2024.

### ***Phase I and Limited Phase II Environmental Site Assessment, prepared by Langan, prepared for Cendant, 13 January 2005***

Langan conducted a Phase I and a Limited Phase II ESA for 515 West 43rd Street in January 2005. Langan identified two RECs associated with the property during the Phase I, including two 500-gallon USTs observed during the site reconnaissance and the presence of potential asbestos-containing materials (PACM) inside the building. The report indicated that the USTs were enclosed in concrete and formerly stored gasoline. The owner hired a contractor to perform pressure tests; however, due to test failures, the tanks were abandoned-in-place in 1975 as recommended by the local Fire Marshall. Langan also noted observing pump motors along the cellar wall in the vicinity of the former tanks. The pumps reportedly supplied a dispenser located on the first floor. Langan reported that the site contact was unaware of any releases from the USTs, and no documentation regarding the USTs, such as registration or closure documentation, was available for review.

As a part of the Limited Phase II ESA, Langan collected seven bulk samples from the friable PACM to determine whether the sampled content was asbestos-containing material (ACM). The results of the sampling did not detect asbestos in concentrations exceeding 1 percent by weight; therefore, this indicates that the material did not contain asbestos. No further action was recommended for this REC.

Additionally, Langan advanced five soil borings, with three soil borings in the vicinity of the abandoned USTs located beneath the cellar floor slab and two on the first floor for geotechnical purposes. Langan collected two soil samples from the cellar borings from between 0.5 and 1.5 ft bgs and submitted them for laboratory analysis of New York Spills Technology and Remediation Series (STARS) compounds. The results indicated that no compounds exceeded NYSDEC soil cleanup criteria or the STARS screening values; however, Langan reported elevated photoionization detector (PID) readings at 0.5 to 2 ft below the cellar slab in all three borings installed near the former USTs, with a maximum reading of 182 parts per million (ppm). Of note, the report available for review was partial and did not contain boring logs or figures to detail the locations of these former tanks or soil borings. The text of the report stated that the USTs were located under an elevated concrete slab where a UST pipe manhole was observed and based on observations during reconnaissance of the Site for this Phase I ESA, it was ascertained that this area was located in the southeastern portion of the cellar.

***ASTM Phase I Environmental Site Assessment, prepared by Haley & Aldrich of New York, Prepared for BH Group 43 LLC, 6 November 2024***

A Phase I ESA was conducted for the Site by Haley & Aldrich of New York in November 2024. The Phase I ESA indicated three RECs in connection with the Site, including the following:

**REC #1:** Former and Current uses of the Site for Auto-Related Purposes and the Presence of USTs

Historical records indicate that the Site was operated by a service station in the 1950s and as auto garages from the 1930s to the present. Additionally, according to the Phase I ESA completed by Langan, two 550-gallon gasoline USTs were located beneath the cellar's concrete floor of the main building on Lot 21, which were abandoned-in-place, as per recommendation from the local Fire Marshall in 1970, due to failed pressure tests. The site contact informed Langan the tanks formerly contained gasoline and were situated within a concrete vault. Langan also noted observing pump motors along the cellar wall in vicinity of the former tanks. The pumps reportedly supplied a dispenser located on the first floor. Langan reported that the site contact was unaware of any releases from these USTs. Additionally, historical Sanborn maps show a 550-gallon gasoline UST buried in the northwestern portion of the Site on Lot 44. There are no records that these tanks were registered with the NYSDEC or documentation of tank removal/closure available for review. Without proper documentation, it is unknown if residual contamination remains in the former tank areas or former dispenser operations. Currently, a 4,000-gallon gasoline UST, located under the slab of the first-floor area on Lot 21, and a 250-gallon waste oil AST associated with auto repair activities, located in the northeastern portion of the garage on Lot 42, are in service at the Site.

Auto-related facilities commonly utilize hazardous materials, including petroleum products and chlorinated solvents. The historical and current uses of the Site, combined with the historical and current presence of USTs, is considered a REC, as potential or undocumented releases of petroleum products, solvents, and/or other hazardous materials may have adversely affected groundwater, soil, and/or soil vapor at the Site.

**REC #2:** Documented CVOC Contamination in Groundwater and Soil Vapor in Upgradient and/or Adjacent Properties

As summarized in the regulatory database report, a Limited Phase II ESI performed at the hydraulically upgradient, east-adjacent property located at 505-513 West 43rd Street by EBI Consulting (EBI) in October 2009 identified elevated levels of CVOCs in groundwater. EBI determined that the likely source of the contamination was former railroad operations at the property and migration from off-site sources. Additionally, as summarized in the regulatory database report, a Limited Phase II ESI performed at the west-adjacent property located at 521 West 43rd Street by TRC Engineers Inc. (TRC) in July 2010 identified contamination in soil vapor (including petroleum-related VOCs and CVOCs), as well as light non-aqueous phase liquid (LNAPL) observed on perched groundwater. TRC did not identify a groundwater or soil source of CVOC impacts in soil vapor. Petroleum-related impacts and the presence of LNAPL are potentially the result of former Site operations, including varnish and machinery storage, garages, a pharmaceutical company, a printing press, motor repair shops, and other manufacturing operations. Due to the proximity to the Site, impacted soil vapor or groundwater may have migrated from this property and could be present under the Site. Therefore, the documented contamination on these adjacent properties is considered a REC.

REC #3:           Staining on Walls/Floors and Poor Housekeeping Throughout the Site

Staining was observed in multiple areas of the property, including the west stairwell on the second floor and on all walls and floors of the building on Lot 21, and on the floors in both of the garages on Lots 42 and 44. Staining on the floors appears to be related to cleaning materials on Lot 21 and automotive repair services on Lots 42 and 44; however, staining on the walls in the building on Lot 21 appears to be seeping in from potential exterior areas; however, a source was not able to be identified. Poor housekeeping was observed on the first floor and cellar of the building on Lot 21, and hazardous materials appeared not to be stored in containment in certain areas in each of the Site buildings. Containers showing evidence of previous uncontained discharge, such as visual splatter, smears, and discoloration on external areas of the containers, were observed on the concrete floor in the cellar on Lot 21. In addition, six 55-gallon-capacity drums of unknown contents were observed on Lot 21. While indications of spills and/or staining were not observed near the drums, spill prevention measures were not implemented, and the drums were not properly labeled. Due to poor housekeeping observed during the site reconnaissance, as well as staining observed on floors and apparent seepage through walls, this is considered a REC.

***515-519 West 43rd Street and 514-518 West 44th Street Limited Environmental Site Investigation Summary, prepared by Haley & Aldrich of New York, prepared for BH Group 43 LLC, 6 November 2024***

Haley & Aldrich of New York completed a Limited Phase II ESI at the Site to investigate soil, groundwater, and soil vapor quality beneath the Site. The investigation was performed on 1 July 2024, 10 July 2024, 11 October 2024, and 16 October 2024 and included: a geophysical investigation using ground-penetrating radar (GPR) to identify subsurface anomalies indicative of USTs and to clear underground utilities; the installation of 14 soil borings to depths between 3 and 15 ft bgs; and the installation of six temporary soil vapor points. Groundwater was not encountered during this investigation. In total, 25 soil samples and six soil vapor samples were collected. Field observations and laboratory analytical results are summarized below:

*Soil*

Urban fill, generally consisting of light brown to brown, medium to coarse sand with fines, brick, coal fragments, stone, and pebbles was observed from the surface to depths between 7.5 and 10 ft bgs in the soil borings located on the first floor of the building on Lot 21; to depths between 3 and 7 ft bgs on Lot 42; and to depths between 8 and 10 ft bgs on Lot 44. Soil observed from the partial cellar on Lot 21 generally consisted of brown to dark brown medium to coarse silty sand with potential weathered rock, pebbles, and bedrock fragments. Refusal was encountered in the cellar at 3 to 4 ft bgs (approximately 13 to 14 ft below sidewalk grade [bsg]).

Soil analytical results were compared to NYSDEC Title 6 NYCRR Part 375 UUSCOs, RRSCOs, and PGWSCOs.

Five VOCs were detected at concentrations above UUSCOs, RRSCOs, and/or PGWSCOs in soil samples collected. Three VOCs were detected at concentrations above UUSCOs, RRSCOs, and PGWSCOs in sample SB-07\_2-4, including 1,2,4-trimethylbenzene at a concentration of 230 mg/kg, 1,3,5-trimethylbenzene at a concentration of 75 mg/kg, and total xylenes at a concentration of 140 mg/kg. Two VOCs were also identified in SB-07\_2-4 above UUSCOs and PGWSCOs, including ethylbenzene at a concentration of 2.1 mg/kg and naphthalene at a concentration of 34 mg/kg. Two

VOCs were identified at concentrations above UUSCOs and PGWSCOs in SB-02\_2-4, including 1,2,4-trimethylbenzene at a concentration of 11 mg/kg and total xylenes at an estimated concentration of 1.9 J mg/kg.

Seven SVOCs, specifically PAHs, were detected at concentrations above UUSCOs, RRSCOs, and/or PGWSCOs in soil samples SB-01\_0-2, SB-01\_8-10, SB-04\_0-2, and SB-13\_0-2. Maximum PAH concentrations were observed in SB-13\_0-2, including benzo(a)anthracene (maximum concentration of 47 mg/kg), benzo(a)pyrene (maximum concentration of 43 mg/kg), benzo(b)fluoranthene (maximum concentration of 54 mg/kg), benzo(k)fluoranthene (maximum concentration of 19 mg/kg), chrysene (maximum concentration of 48 mg/kg), dibenzo(a,h)anthracene (maximum concentration of 6.5 mg/kg), and indeno(1,2,3-cd)pyrene (maximum concentration of 28 mg/kg). No other SVOCs were detected in any soil samples above applicable standards.

Seven metals were detected above UUSCOs, RRSCOs, and/or PGWSCOs in multiple soil samples collected. Lead was detected above UUSCOs, RRSCOs, and PGWSCOs at a maximum concentration of 2,720 mg/kg in SB-13\_5-7. Barium was detected above UUSCOs and RRSCOs at a maximum concentration of 487 mg/kg in SB-09\_3-5. Zinc was detected above UUSCOs and PGWSCOs at a maximum concentration of 3,300 mg/kg in SB-13\_5-7. Copper, mercury, and nickel were detected above UUSCOs at maximum concentrations of 87.4 mg/kg in SB-14\_6-8, 0.714 mg/kg in SB-03\_2-4, and 78 mg/kg in SB-02\_2-4, respectively. Arsenic was detected above UUSCOs in SB-04\_0-2 only at a concentration of 13.4 mg/kg. No other metals were detected in any soil samples above applicable standards.

#### *Soil Vapor*

No standard currently exists for soil vapor samples in New York State. Total VOC concentrations in sub-slab and soil vapor samples ranged from 74.14  $\mu\text{g}/\text{m}^3$  in SV-03 to a maximum concentration of 4,009.90  $\mu\text{g}/\text{m}^3$  in SV-06. Total BTEX concentrations ranged from 7.517  $\mu\text{g}/\text{m}^3$  in SV-01 to a maximum concentration of 2,257.20  $\mu\text{g}/\text{m}^3$  in SV-06. Total CVOC concentrations ranged from non-detect in SV-06 to a maximum concentration of 154.25  $\mu\text{g}/\text{m}^3$  in SV-05.

Several petroleum-related VOCs were detected above laboratory reporting limits in multiple soil vapor samples collected, including 1,2,4-trimethylbenzene (maximum concentration of 90.5  $\mu\text{g}/\text{m}^3$  in SV-05), 1,3,5-trimethylbenzene (maximum concentration of 23  $\mu\text{g}/\text{m}^3$  in SV-05), 2,2,4-trimethylpentane (maximum concentration of 45.9  $\mu\text{g}/\text{m}^3$  in SV-02), benzene (maximum concentration of 68.4  $\mu\text{g}/\text{m}^3$  in SV-02), toluene (maximum concentration of 573  $\mu\text{g}/\text{m}^3$  in SV-06), ethylbenzene (maximum concentration of 291  $\mu\text{g}/\text{m}^3$  in SV-06), naphthalene (maximum concentration of 6.29  $\mu\text{g}/\text{m}^3$  in SV-05), and total xylenes (maximum concentration of 1,362  $\mu\text{g}/\text{m}^3$  in SV-06).

Several CVOCs were detected above laboratory detection limits in multiple soil vapor samples collected, including PCE (maximum concentration of 135  $\mu\text{g}/\text{m}^3$  in SV-05), TCE (maximum concentration of 4.44  $\mu\text{g}/\text{m}^3$  in SV-01), methylene chloride (maximum concentration of 4.93  $\mu\text{g}/\text{m}^3$  in SV-05), and chloroform (maximum concentration of 111  $\mu\text{g}/\text{m}^3$  in SV-01). 1,1,1-trichloroethane was detected above laboratory detection limits in one sub-slab vapor sample, SV-05, at a concentration of 11.6  $\mu\text{g}/\text{m}^3$ .

Acetone, n-heptane, and hexane were detected in each soil vapor sample above laboratory detection limits at maximum concentrations of 815  $\mu\text{g}/\text{m}^3$  in SV-06, 56.1  $\mu\text{g}/\text{m}^3$  in SV-06, and 49  $\mu\text{g}/\text{m}^3$  in SV-05, respectively. Ethanol was detected in multiple samples with a maximum concentration of 520  $\mu\text{g}/\text{m}^3$  in

SV-06. The emerging contaminant 1,4-dioxane was detected in SV-05 only at a concentration of 5.73  $\mu\text{g}/\text{m}^3$ .

## SECTION IV.2: SAMPLING DATA

Analytes > RRSCOs	Detections > RRSCOs	Max Concentration (ppm)	RRSCO (ppm)	Depth (ft bgs)
1,2,4-trimethylbenzene	1	230	52	2-4
1,3,5-trimethylbenzene	1	75	52	2-4
Xylene (total)	1	140	100	2-4
Benzo(a)anthracene	3	47	1	0-2
Benzo(a)pyrene	3	43	1	0-2
Benzo(b)fluoranthene	4	54	1	0-2
Benzo(k)fluoranthene	1	19	3.9	0-2
Chrysene	1	48	3.9	0-2
Dibenz(a,h)anthracene	3	6.5	0.33	0-2
Indeno(1,2,3-c,d)pyrene	4	28	0.5	0-2
Barium	2	487	400	3-5
Lead	5	2,720	400	5-7

Soil Vapor Summary Table			
CVOCs and BTEX Analytes Detected	Total Detections	Max. Detection (µg/m³)	Type
1,1,1-Trichloroethane	1	11.6	Soil vapor
Tetrachloroethene	5	135	Soil vapor
Trichloroethene	3	4.44	Soil vapor
Methylene chloride (dichloromethane)	2	4.93	Soil vapor
Benzene	6	68.4	Soil vapor
Ethylbenzene	5	291	Soil vapor
M,p-xylenes	6	990	Soil vapor
O-xylenes	6	374	Soil vapor
Toluene	6	573	Soil vapor
Total Xylenes	6	1,362	Soil vapor
<b>Notes:</b> <i>*Only BTEX and the eight CVOCs (carbon tetrachloride, 1,1-dichloroethene, cis-1,2-dichloroethene, trichloroethene, methylene chloride, tetrachloroethene, 1,1,1-trichloroethane, and vinyl chloride) used to total for soil vapor</i>			



### **SECTION IV.3: SAMPLING DATA**

For each impacted medium above, refer to Figures 6 and 7 below, which include detailed information requested in Application Section IV.3.



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LEGEND

- SOIL BORING
- △ SOIL VAPOR PROBE
- ▭ SITE BOUNDARY
- ▭ PARCEL BOUNDARY

	NY-RESR
<b>Total Metals (mg/kg)</b>	
Barium	400
Lead	400
<b>Semi-Volatile Organic Compounds (mg/kg)</b>	
Benzo(a)anthracene	1
Benzo(a)pyrene	1
Benzo(b)fluoranthene	1
Benzo(k)fluoranthene	3.9
Chrysene	3.9
Dibenz(a,h)anthracene	0.33
Indeno(1,2,3-cd)pyrene	0.5
<b>Volatile Organic Compounds (mg/kg)</b>	
1,2,4-Trimethylbenzene	52
1,3,5-Trimethylbenzene	52
Xylene (Total)	100

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. SOIL SAMPLE ANALYTICAL RESULTS ARE COMPARED TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) TITLE 6 OF THE OFFICIAL COMPILATION OF NEW YORK CODES, RULES, AND REGULATIONS (NYCRR) PART 375 RESTRICTED-RESIDENTIAL SOIL CLEANUP OBJECTIVES (SCOS) AND 40 CFR 261 SUBPART C AND TABLE 1 OF 40 CFR 261.24.
3. NY-RESR = NYSDEC PART 375 RESTRICTED-RESIDENTIAL USE SCO
4. EXCEEDANCES OF THE NY-RESR ARE SHADED **YELLOW**.
5. RESULTS SHOWN IN MILLIGRAMS PER KILOGRAM (mg/kg)
6. AERIAL IMAGERY SOURCE: NEARMAP, 8 MARCH 2024



0 30 60  
SCALE IN FEET

HALEY  
ALDRICH

515-519 WEST 43RD STREET AND 514-518 WEST 44TH STREET  
MANHATTAN, NEW YORK

SOIL SAMPLE  
ANALYTICAL RESULTS

JANUARY 2025

FIGURE 6



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SV-05	10/11/2024 L2459445-02
VOCs	
1,1,1-Trichloroethane	11.6
1,2,4-Trimethylbenzene	90.5
1,3,5-Trimethylbenzene	23
1,3-Butadiene	1.3
1,4-Dioxane	5.73
2,2,4-Trimethylpentane	15.9
2-Butanone (Methyl Ethyl Ketone)	7.64
4-Ethyltoluene (1-Ethyl-4-Methylbenzene)	19.7
Acetone	152
Benzene	19.6
Carbon disulfide	20.6
Chloroform (Trichloromethane)	28.7
Cyclohexane	12.8
Dichlorodifluoromethane (CFC-12)	2.1
Ethanol	460
Ethylbenzene	165
Hexane	49
Isopropyl Alcohol (2-Propanol)	12.1
m,p-Xylenes	513
Methylene chloride (Dichloromethane)	4.93
Naphthalene	6.29
N-Heptane	53.3
o-Xylene	212
Styrene	1.79
Tert-Butyl Alcohol (tert-Butanol)	7.58
Tetrachloroethene	135
Toluene	228
Trichloroethene	2.72
Xylene (Total)	725
Calculated Totals	
Total BTEX	1137.60
Total CVOCs	154.25
Total VOCs	2261.88

SV-01	07/01/2024 L2437279-02
VOCs	
1,2,4-Trimethylbenzene	1.01
2-Butanone (Methyl Ethyl Ketone)	2.37
Acetone	8.72
Benzene	0.754
Chloroform (Trichloromethane)	111
Dichlorodifluoromethane (CFC-12)	2.48
Hexane	5.64
m,p-Xylenes	2.39
Methylene chloride (Dichloromethane)	3.82
N-Heptane	1.86
o-Xylene	0.973
Tert-Butyl Alcohol (tert-Butanol)	22
Tetrachloroethene	20.1
Toluene	3.4
Trichloroethene	4.44
Trichlorofluoromethane (CFC-11)	1.6
Xylene (Total)	3.36
Calculated Totals	
Total BTEX	7.52
Total CVOCs	28.36
Total VOCs	192.56

SV-03	07/10/2024 L2438744-02
VOCs	
1,2,4-Trimethylbenzene	2.38
2,2,4-Trimethylpentane	4.6
2-Butanone (Methyl Ethyl Ketone)	1.6
Acetone	7.67
Benzene	11.6
Carbon disulfide	3.46
Chloroform (Trichloromethane)	1.52
Cyclohexane	1.52
Dichlorodifluoromethane (CFC-12)	2.43
Ethylbenzene	1.75
Hexane	6.38
m,p-Xylenes	3.39
Naphthalene	1.22
N-Heptane	2.18
o-Xylene	1.36
Tetrachloroethene	12.8
Tetrahydrofuran	1.57
Toluene	4.94
Trichlorofluoromethane (CFC-11)	1.77
Xylene (Total)	4.75
Calculated Totals	
Total BTEX	23.04
Total CVOCs	12.80
Total VOCs	74.14

SV-02	07/10/2024 L2438744-01
VOCs	
1,2,4-Trimethylbenzene	6.15
1,3,5-Trimethylbenzene	3.6
1,3-Butadiene	8.47
2,2,4-Trimethylpentane	45.9
2-Butanone (Methyl Ethyl Ketone)	3.19
4-Ethyltoluene (1-Ethyl-4-Methylbenzene)	1.4
4-Methyl-2-Pentanone (Methyl Isobutyl Ketone)	2.85
Acetone	14.8
Benzene	68.4
Carbon disulfide	2.62
Chloroform (Trichloromethane)	1.19
Chloromethane (Methyl Chloride)	0.824
Cyclohexane	9.4
Dichlorodifluoromethane (CFC-12)	1.96
Ethanol	30.7
Ethylbenzene	11.2
Hexane	37.7
m,p-Xylenes	30.4
Naphthalene	1.64
N-Heptane	12.3
o-Xylene	14.9
Styrene	1.04
Tetrachloroethene	6.16
Toluene	40.3
Xylene (Total)	45.3
Calculated Totals	
Total BTEX	165.20
Total CVOCs	6.16
Total VOCs	357.09

SV-04	07/01/2024 L2437279-01
VOCs	
1,2,4-Trimethylbenzene	2.04
2,2,4-Trimethylpentane	1.65
2-Butanone (Methyl Ethyl Ketone)	2.88
2-Hexanone (Methyl Butyl Ketone)	1.2
Acetone	10.7
Benzene	2.42
Chloroform (Trichloromethane)	103
Chloromethane (Methyl Chloride)	0.597
Cyclohexane	1.07
Dichlorodifluoromethane (CFC-12)	2.53
Ethanol	12
Ethylbenzene	1.43
Hexane	2.02
m,p-Xylenes	5.26
N-Heptane	1.34
o-Xylene	1.99
Tert-Butyl Alcohol (tert-Butanol)	19.2
Tetrachloroethene	6.33
Toluene	7.95
Trichloroethene	2.81
Trichlorofluoromethane (CFC-11)	1.44
Xylene (Total)	7.25
Calculated Totals	
Total BTEX	19.05
Total CVOCs	9.14
Total VOCs	189.86

SV-06	10/11/2024 L2459445-01
VOCs	
1,2,4-Trimethylbenzene	73.7
1,3,5-Trimethylbenzene	19.1
2,2,4-Trimethylpentane	24.2
2-Butanone (Methyl Ethyl Ketone)	41.3
4-Ethyltoluene (1-Ethyl-4-Methylbenzene)	17.1
4-Methyl-2-Pentanone (Methyl Isobutyl Ketone)	13.9
Acetone	815
Benzene	31.2
Carbon disulfide	22.4
Cyclohexane	18.1
Ethanol	520
Ethylbenzene	291
Hexane	38.8
Isopropyl Alcohol (2-Propanol)	54.6
m,p-Xylenes	990
N-Heptane	56.1
o-Xylene	372
Styrene	16.8
Tert-Butyl Alcohol (tert-Butanol)	11
Tetrahydrofuran	10.6
Toluene	573
Xylene (Total)	1362
Calculated Totals	
Total BTEX	2257.20
Total VOCs	4009.90

LEGEND

SOIL BORING

SOIL VAPOR PROBE

SITE BOUNDARY

PARCEL BOUNDARY

- NOTES
1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.

2. ASSESSOR PARCEL DATA SOURCE: KINGS COUNTY

3. AERIAL IMAGERY SOURCE: NEARMAP, 18 JUNE 2024

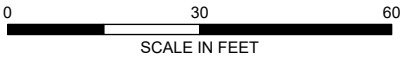
4. RESULTS SHOWN IN MICROGRAMS PER CUBIC METER (µg/m³ ).

5. ALL DETECTED ANALYTES SHOWN ON FIGURE.

6. TOTAL VOCs IS THE SUM OF ALL DETECTED VOCs.

7. TOTAL CVOCs IS THE SUM OF 1,1-DICHLOROETHENE, 1,1,1-TRICHLOROETHANE, CARBON TETRACHLORIDE, CIS-1,2-DICHLOROETHENE, METHYLENE CHLORIDE, TRICHLOROETHENE, TETRACHLOROETHENE, AND VINYL CHLORIDE.

8. TOTAL BTEX IS THE SUM OF BENZENE, ETHYLBENZENE, AND XYLENES.



HALEY  
ALDRICH

515-519 WEST 43RD STREET AND 514-518 WEST 44TH STREET  
MANHATTAN, NEW YORK

SOIL VAPOR SAMPLE  
ANALYTICAL RESULTS

JANUARY 2025

FIGURE 7

**ATTACHMENT E**

**Section V: Requestor Information**



## SECTION V: REQUESTOR'S INFORMATION

The entity requesting participation in the BCP (the Requestor) is BH Group 43 LLC. The manager and authorized representative of BH Group 43 LLC is Rivka Ashkenazi.

Accordingly, the contact information for the Requestor is:

Rivka Ashkenazi  
BH Group 43 LLC  
1526 52nd Street  
Brooklyn, New York 11219  
Email: [bhy11219@yahoo.com](mailto:bhy11219@yahoo.com)

The Requestor is seeking to purchase the Site and is authorized and has full access to take all actions necessary to enter and carry out the obligations of the BCP. An access agreement is included as an attachment.

Printouts of the entity information from the New York State Department of State's Corporation & Business Entity Database for BH Group 43 LLC are included in this attachment.

The current members of BH Group 43 LLC include:

- Rivka Ashkenazi

All BCP submittal documents will be certified by a Haley & Aldrich of New York Licensed Professional Engineer and/or the Requestor in accordance with the Division of Environmental Remediation (DER)-10, Section 1.5.

The Requestor certifies it is a Volunteer. The Requestor or its affiliated entities do not have, nor have they ever had a relationship with the current owners, or with the prior owners or operators of the Site that caused the existing contamination.

Department of State  
Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



**ENTITY NAME:** BH GROUP 43 LLC  
**DOS ID:** 7346754  
**FOREIGN LEGAL NAME:**  
**FICTITIOUS NAME:**  
**ENTITY TYPE:** DOMESTIC LIMITED LIABILITY COMPANY  
**DURATION DATE/LATEST DATE OF DISSOLUTION:**  
**SECTIONOF LAW:** LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW  
**ENTITY STATUS:** ACTIVE  
**DATE OF INITIAL DOS FILING:** 06/07/2024  
**REASON FOR STATUS:**  
**EFFECTIVE DATE INITIAL FILING:** 06/07/2024  
**INACTIVE DATE:**  
**FOREIGN FORMATION DATE:**  
**STATEMENT STATUS:** CURRENT  
**COUNTY:** KINGS  
**NEXT STATEMENT DUE DATE:** 06/30/2026  
**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:** BH GROUP 43 LLC  
**Address:** 1526 52ND ST, BROOKLYN, NY, UNITED STATES, 11219

Electronic Service of Process on the Secretary of State as agent: Not 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
-------------	------------------	-----------------

**BH GROUP 43 LLC AUTHORIZATION  
TO COMPLETE REMEDIAL REQUIREMENTS AND GRANT  
ENVIRONMENTAL EASEMENTS**

The undersigned, being the sole member of BH Group 43 LLC, a New York limited liability company (the "Company") hereby certify as of November 22, 2024, as follows and adopt the following resolutions and authorize the Company to authorize and direct Rivka Ashkenazi (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company desires to authorize the Authorized Signatory, set forth below, to undertake actions necessary to redevelop 515-519 West 43rd Street and 514-518 West 44th Street, New York, New York 10036 (the "Property" or the "Site").


WHEREAS, in connection with the redevelopment of the Property, the Company has or will prepare and submit an application to participate in the New York State Brownfield Cleanup Program ("BCP") and, if accepted into the BCP, enter into a Brownfield Cleanup Agreement ("BCA"); file related documents with the New York State Department of Environmental Conservation ("DEC") to participate in the BCP; and undertake certain environmental remediation work related thereto consistent with applicable laws, regulations and guidance under the BCP (collectively referred to as the "Remedial Program Requirements");

NOW THEREFORE, BE IT

RESOLVED, the Authorized Signatory be, and hereby is, authorized and directed, in the name of and on behalf of the Company, to execute and to deliver all applications, documents and instruments required to effectuate the BCA (including execution of the BCA), grant an environmental easement, and make any filings required to comply with the BCA consistent with the Remedial Program Requirements; and be it further;

RESOLVED, that this Authorization may be signed in any number of counterparts, including but not limited to electronic, and shall become effective as of the date herein below written when each person named below shall have signed a copy hereof; and

RESOLVED, The Authorized Signatory is authorized to bind the Company as an Authorized Signatory for the purposes set forth in this Authorization, the signature set forth opposite his name below is his actual signature:

<u>Authorized Signatory</u>	<u>Signature</u>
Rivka Ashkenazi	

NKM Proscia LLC

November 30, 2024

BH Group 43 LLC  
1526 52<sup>nd</sup> Street  
Brooklyn, NY 11219

Re: Property Access and Authorization to perform all obligations under the New York State  
Brownfield Cleanup Program

Dear Sir or Madam:

NKM Proscia LLC, (hereinafter referred to as the “Owner”) owns the property located at 515-519 West 43<sup>rd</sup> Street, New York, NY 10036, Block 1072 Lot 21 (the “Property” or the “Site”). The Owner hereby authorizes the entities listed on Exhibit A, attached hereto (collectively referred to as the “Authorized Applicant(s)/Requestor(s)”), to access the Property and to apply to participate in and perform any obligations required under the New York State Department of Environmental Conservation’s (“NYSDEC”) Brownfield Cleanup Program (“BCP”) and subject to a separate agreement between the parties.

Owner understands that the Authorized Applicants/Requestors will also need to provide access to the NYSDEC and environmental professionals that the Authorized Applicants has/have hired to perform any investigation and remedial activities under the BCP. Owner further understands that an easement may be needed by NYSDEC in connection with BCP efforts, and authorizes the placement of an easement on or through the Property subject to the Owner’s prior review and consent, in accordance with any subsequent or separate writing between the parties.

Sincerely,

Signed by:  
By Nicholas Proscia  
D4986AE04B3C43B...  
Nicholas Proscia



## **EXHIBIT A**

### **AUTHORIZED APPLICANT(S)/REQUESTOR(S)**

- BH Group 43 LLC

514 W. 44<sup>th</sup> street, Inc.  
514 W. 44<sup>th</sup> street  
New York, NY 10036

November 29, 2024

BH Group 43 LLC  
1526 52<sup>nd</sup> Street  
Brooklyn, NY 11219

Re: Property Access and Authorization to perform all obligations under the New York State  
Brownfield Cleanup Program

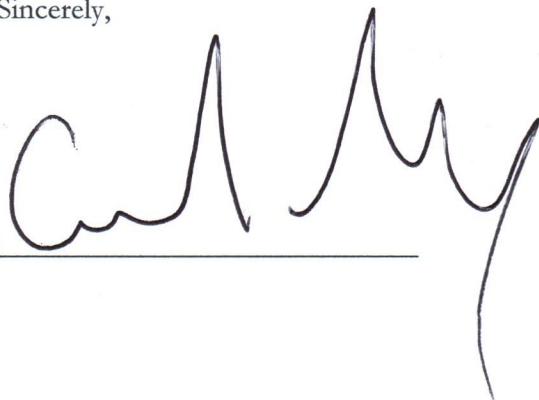
Dear Sir or Madam:

514 West 44<sup>th</sup> Street, Inc., (hereinafter referred to as the "Owner") owns the property located at 514 West 44<sup>th</sup> Street, New York, NY 10036, Block 1072 Lot 42 (the "Property" or the "Site"). The Owner hereby authorizes the entities listed on Exhibit A, attached hereto (collectively referred to as the "Authorized Applicant(s)/Requestor(s)"), to access the Property and to apply to participate in and perform any obligations required under the New York State Department of Environmental Conservation's ("NYSDEC") Brownfield Cleanup Program ("BCP").

Owner understands that the Authorized Applicants/Requestors will also need to provide access to the NYSDEC and environmental professionals that the Authorized Applicants has/have hired to perform any investigation and remedial activities under the BCP. Owner further understands that an easement may be needed in connection with BCP efforts, and authorizes the placement of an easement on or through the Property subject to the prior review and consent of the Owner, in accordance with any subsequent or separate writing between the parties.

Sincerely,

By \_\_\_\_\_

A handwritten signature in black ink, consisting of several loops and peaks, written over a horizontal line.

## **EXHIBIT A**

### **AUTHORIZED APPLICANT(S)/REQUESTOR(S)**

- BH Group 43 LLC

AR REAL ESTATE MANAGEMENT INC.  
518 W. 44<sup>TH</sup> STREET  
NEW YORK, NY 10036

November 29, 2024

BH Group 43 LLC  
1526 52<sup>nd</sup> Street  
Brooklyn, NY 11219

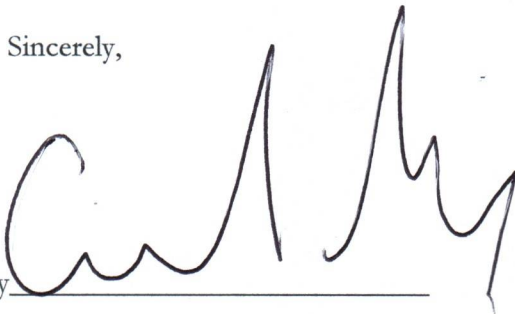
Re: Property Access and Authorization to perform all obligations under the New York State  
Brownfield Cleanup Program

Dear Sir or Madam:

AR Real Estate Management Inc., (hereinafter referred to as the "Owner") owns the property located at 518 West 44<sup>th</sup> Street, New York, NY 10036, Block 1072 Lot 44 (the "Property" or the "Site"). The Owner hereby authorizes the entities listed on Exhibit A, attached hereto (collectively referred to as the "Authorized Applicant(s)/Requestor(s)"), to access the Property and to apply to participate in and perform any obligations required under the New York State Department of Environmental Conservation's ("NYSDEC") Brownfield Cleanup Program ("BCP").

Owner understands that the Authorized Applicants/Requestors will also need to provide access to the NYSDEC and environmental professionals that the Authorized Applicants has/have hired to perform any investigation and remedial activities under the BCP. Owner further understands that an easement may be needed in connection with BCP efforts, and authorizes the placement of an easement on or through the Property subject to the prior review and consent of the Owner, in accordance with any subsequent or separate writing between the parties.

Sincerely,

By \_\_\_\_\_

## **EXHIBIT A**

### **AUTHORIZED APPLICANT(S)/REQUESTOR(S)**

- BH Group 43 LLC

**ATTACHMENT F**

**Section VI: Requestor Eligibility Information**

## SECTION VI: REQUESTOR'S ELIGIBILITY INFORMATION

### ***Volunteer Status***

The Requestor, BH Group 43 LLC, qualifies as a "Volunteer" in the BCP because (i) the Requestor is an unrelated third-party LLC and neither it nor its member has any direct connection with the current owners of the Site, or with any prior owner or operator, and (ii) the Requestor did not cause, contribute, or permit the disposal of any contaminants at the Site, nor did the Requestor control the Site when such contamination occurred. The Requestor commissioned a Phase I ESA for the purposes of conducting all appropriate inquiries prior to occupying the Site and intends to address any Site contamination via the BCP. Requestor did not observe and is not aware of any continuing release and is taking the necessary steps to prevent any threatened future release and prevent and limit human, environmental, or natural resource exposure to any previously released contamination at the Site, such as enrolling in the BCP to remediate the Site. As such, the Requestor qualifies as a Volunteer as designed in New York Environmental Conservation Law (ECL) Article 27-1405(1)(b).



**ATTACHMENT G**

**Section IX: Current Property Owner/Operator Information**

## SECTION IX: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

### ***Current Owner and Operator***

The current owners are NKM Proscia LLC (Lot 21), 514 West 44th Street, Inc. (Lot 42), and AR Real Estate Management, Inc. (Lot 44). Letters confirming access permission between the Requestor and NKM Proscia LLC, 514 West 44th Street, Inc., and AR Real Estate Management Inc., granting full access to take all actions necessary to enter into and carry out the obligations of the BCP, have been executed. The Site is currently operated as an “Avis” car rental shop (Lot 21) and two auto repair taxi garages (Lots 42 and 44).

### ***Previous Owners and Operators***

Lists of current and previous Site owners for each lot are provided in the below tables.

Current and Previous Owners of 515-519 West 43rd Street							
Date	Document Type	First Party	First Party Address	Second Party	Phone Number	Email	Relationship of First Party to Applicant
5/16/2005	Deed	Nicholas Proscia	515 West 43rd Street, New York, New York	NKM Proscia LLC	973-432-2261	<a href="mailto:ncpverona@aol.com">ncpverona@aol.com</a>	None
3/23/1979	Deed	Nicolette Proscia	308 West 48th Street, New York, New York	Katherine Proscia	Not Available	Not Available	None
6/15/1977	Deed	Joseph Proscia	308 West 48th Street, New York, New York	Nicolette Proscia	Not Available	Not Available	None
2/20/1974	Deed	Beggs Garage Inc	515 West 43rd Street, New York, New York	Joseph Proscia	Not Available	Not Available	None
Reference: ACRIS - <a href="https://a836-acris.nyc.gov/DS/DocumentSearch/BBLResult?max_rows=99">https://a836-acris.nyc.gov/DS/DocumentSearch/BBLResult?max_rows=99</a> . Previous owner information prior to 1974 is not available.							

Current and Previous Owners of 514 West 44th Street							
Date	Document Type	First Party	First Party Address	Second Party	Phone Number	Email	Relationship of First Party to Applicant
11/11/2009	Deed	Shirley Rosenberg	307 West Hartsdale Avenue, Hartsdale, New York	514 West 44th Street, Inc.	917-601-0027	<a href="mailto:stylemgmt@aol.com">stylemgmt@aol.com</a>	None

Current and Previous Owners of 514 West 44th Street							
Date	Document Type	First Party	First Party Address	Second Party	Phone Number	Email	Relationship of First Party to Applicant
12/5/1997	Deed	Shirley Rosenberg	307 West Hartsdale Avenue, Hartsdale, New York	Shirley and Andrew Rosenberg	Not Available	Not Available	None
4/30/1997	Deed	Irving and Shirley Rosenberg	307 West Hartsdale Avenue, Hartsdale, New York	Irving and Shirley Rosenberg	Not Available	Not Available	None
11/12/1976	Deed	Prolen Realty Co., Inc. a/k/a Prolen Realty Corp.	526 West 25th Street, New York, New York	Irving and Shirley Rosenberg	Not Available	Not Available	None
Reference: ACRIIS - <a href="https://a836-acris.nyc.gov/DS/DocumentSearch/BBLResult?max_rows=99">https://a836-acris.nyc.gov/DS/DocumentSearch/BBLResult?max_rows=99</a> . Previous owner information prior to 1976 is not available.							

Current and Previous Owners of 518 West 44th Street							
Date	Document Type	First Party	First Party Address	Second Party	Phone Number	Email	Relationship of First Party to Applicant
10/1/1998	Deed	Andrew Rosenberg	518 West 44th Street, New York, New York	AR Real Estate Management Inc.	917-601-0027	<a href="mailto:stylemgmt@aol.com">stylemgmt@aol.com</a>	None
4/30/1997	Deed	Conboy Trucking Corp.	8217 E. Tether Trail, Scottsdale, Arizona	Andrew Rosenberg	Not Available	Not Available	None
12/31/1984	Deed	Prolen Realty Co., Inc.	17 Vreeland Road, West Milford, New Jersey	Conboy Trucking Corp.	Not Available	Not Available	None
Reference: ACRIIS - <a href="https://a836-acris.nyc.gov/DS/DocumentSearch/BBLResult?max_rows=99">https://a836-acris.nyc.gov/DS/DocumentSearch/BBLResult?max_rows=99</a> . Previous owner information prior to 1984 is not available.							

Current and Previous Operators of 515-519 West 43rd Street			
Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
Avis	Operator (2006-Current)	515 West 43rd Street, New York, New York, 973-496-2011	None
Beggs Garage Inc	Operator (1938-2005)	515 West 43rd Street, New York, New York	None
Service Station	Operator (1950)	515-519 West 43rd Street, New York, New York	None
Park & Tilford	Operator (1927, 1930)	515 West 43rd Street, New York, New York	None
West 43rd St Garage Inc.	Operator (1927)	517 West 43rd Street, New York, New York	None
Cleansing Products Co	Operator (1920)	517 West 43rd Street, New York, New York	None
Multiple Residents and Commercial Spaces	Operators (1911-1968)	515-519 West 43rd Street, New York, New York	None
Job Printer	Operator (1911)	515 West 43rd Street, New York, New York	None
Reference: The EDR City Directory Abstract (inquiry number 7679851.5) and Certified Sanborn® Map Report (inquiry number 7679851.3).			

Current and Previous Operators of 514 West 44th Street			
Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
Rosenberg Auto Repair Inc., Electric Charging Station	Operator (2020-Current)	514 West 44th Street, New York, New York, 212-279-3166	None
Auto Repair Shop	Operator (1968-2005)	514 West 44th Street, New York, New York	None
Printing	Operator (1950)	514 West 44th Street, New York, New York	None
Multiple Residents and Commercial Spaces	Operators (1911-1968)	514 West 44th Street, New York, New York	None
Reference: The EDR City Directory Abstract (inquiry number 7679851.5) and Certified Sanborn® Map Report (inquiry number 7679851.3).			

Current and Previous Operators of 518 West 44th Street			
Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
Park Ridge Cab Corp, Style Management Company	Operator (2020-Current)	518 West 44th Street, New York, New York, 212-279-3166	None
Auto Repair Shop	Operator (1979-2005)	518 West 44th Street, New York, New York	None
Motor Freight Station	Operator (1968)	518 West 44th Street, New York, New York	None
Auto Repair Shop	Operator (1930)	518 West 44th Street, New York, New York	None

Current and Previous Operators of 518 West 44th Street			
Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
Farrier	Operator (1911)	518 West 44th Street, New York, New York	None
Reference: The EDR City Directory Abstract (inquiry number 7679851.5) and Certified Sanborn® Map Report (inquiry number 7679851.3).			

## **ATTACHMENT H**

### **Section XI: Contact List Information and Acknowledgement from Repository**

## SECTION XI – CONTACT LIST INFORMATION

### SITE CONTACT LISTS

#### Executive

Role	Name	Phone	Mailing Address	Email / Contact
NYC Mayor	Mayor Eric Adams	212-NEW-YORK	City Hall New York, New York 10007	<a href="https://www1.nyc.gov/office-of-the-mayor/mayor-contact.page">https://www1.nyc.gov/office-of-the-mayor/mayor-contact.page</a>
NYC Department of City Planning Chairperson	Dan Garodnick	212-720-3300	120 Broadway 31st Floor New York, New York 10271	<a href="https://www.nyc.gov/site/planning/about/email-the-director.page">https://www.nyc.gov/site/planning/about/email-the-director.page</a>
Manhattan Borough President	Mark Levine	212-669-8300	1 Centre Street, 19th Floor New York, New York 10007	<a href="mailto:scheduling@manhattanbp.nyc.gov">scheduling@manhattanbp.nyc.gov</a>
Manhattan Community Board 4 District Manager	Jesse Bodine	212-736-4536	424 West 33rd Street Suite 580 New York, New York 10001	<a href="mailto:jbodine@cb.nyc.gov">jbodine@cb.nyc.gov</a>
New York City Council District 3	Erik Bottcher	212-564-7757	224 West 30th Street Suite 1206 New York, New York, 10001	<a href="mailto:District3@council.nyc.gov">District3@council.nyc.gov</a>
NY Senate District 47 Senator	Brad Hoylman-Sigal	212-633-8052	322 Eighth Avenue Suite 1700 New York, New York, 10001	<a href="mailto:hoylman@nysenate.gov">hoylman@nysenate.gov</a>
NY State Assembly District 67 Member	Linda B. Rosenthal	212-873-6368	230 West 72nd Street Suite 2F New York, New York, 10023	<a href="mailto:RosentL@nyassembly.gov">RosentL@nyassembly.gov</a>
NYC Department of Health and Mental Hygiene (DOHMH)	Ashwin Vasan, M.D., PhD Commissioner	212-639-9675	42-09 28th Street, Queens, New York 11101	<a href="mailto:opmc@health.ny.gov">opmc@health.ny.gov</a>
NYC Mayor's Office of Environmental Coordination	Hilary Semel, Director	212-788-6801	100 Gold Street 2nd Floor, New York, New York 10038	<a href="https://www.nyc.gov/site/oec/about/email-the-director.page">https://www.nyc.gov/site/oec/about/email-the-director.page</a>

#### Owners, Residents, Occupants

The Site is currently operated as an “Avis” car rental shop and two active one-story auto repair taxi garages. The tables below provide current contact information for the current owners of the Site.



Owner	Contact Name	Phone	Mailing Address	Email
NKM Proscia LLC (Lot 21)	Nick Proscia	973-432-2261	515 West 43rd Street, New York, New York 10036	<a href="mailto:ncpverona@aol.com">ncpverona@aol.com</a>
514 West 44th Street, Inc. (Lot 42)	Andrew Rosenberg	917-601-0027	518 West 44th Street, New York, New York 10036	<a href="mailto:stylemgmt@aol.com">stylemgmt@aol.com</a>
AR Real Estate Management Inc. (Lot 44)	Andrew Rosenberg	917-601-0027	518 West 44th Street, New York, New York 10036	<a href="mailto:stylemgmt@aol.com">stylemgmt@aol.com</a>

Operator	Contact Name	Phone	Mailing Address	Email
Avis Budget Group, Inc. (Lot 21)	Philip Engle	973-496-2011	379 Interpace Parkway, Parsippany, New Jersey 07054	<a href="mailto:philip.engle@avisbudget.com">philip.engle@avisbudget.com</a>
Auto Repair Taxi Garage (Lot 42)	Andrew Rosenberg	917-601-0027	518 West 44th Street, New York, New York 10036	<a href="mailto:stylemgmt@aol.com">stylemgmt@aol.com</a>
Auto Repair Taxi Garage (Lot 44)	Andrew Rosenberg	917-601-0027	518 West 44th Street, New York, New York 10036	<a href="mailto:stylemgmt@aol.com">stylemgmt@aol.com</a>

### **Adjacent Properties**

Below is a list of the adjoining properties which are also detailed on Figure 8.

Owner/Entity Name	Contact Name	Site Use	Property Address	Owner Mailing Address
520 West 43rd Street REIT, LLC	Not available	Mixed-Use Residential and Commercial Buildings	520 West 43rd Street, New York, New York, 10036	729 Seventh Avenue, 15th Floor, New York, New York, 10019
Robert Born Associates	Not available	Hotel	515 West 42nd Street, New York, New York, 10036	Hotel Wellington 871 Seventh Avenue New York, New York 10019
1818 Nadlan LLC	Not available	Mixed-Use Residential and Commercial Buildings/Condominiums	505 West 43rd Street, New York, New York, 10036	28 Liberty Street, New York, New York 10005
New York City Department of Education	Not available	School	525 West 44th Street, New York, New York, 10036	100 Gold Street, New York, New York 10038
SMSA Realty Corporation	Not available	Auto Body Shop	520 West 44th Street, New York, New York 10036	520 West 44th Street, New York, New York 10036
NYC School Construction Authority	Not Available	School	530 West 44th Street, New York, New York 10036	30-30 Thompson Avenue, Long Island City, New York 11101

### **Local News and Media**

Owner/Entity Name	Type	Address	Phone	Website
New York Daily News	Online, Print	270C Duffy Avenue, Hicksville, New York 11801	212-210-2100	<a href="https://www.nydailynews.com/">https://www.nydailynews.com/</a>
Chelsea Now - amNY	Online, Print	1 MetroTech Center, Brooklyn, New York 11201	718-260-2500	<a href="https://www.amny.com/new-york/manhattan/neighborhoods/hells-kitchen/">https://www.amny.com/new-york/manhattan/neighborhoods/hells-kitchen/</a>

### **Public Water Supply**

Public water supply is a shared responsibility between the New York City Department of Environmental Protection (NYCDEP) and the Municipal Water Finance Authority.

Owner/Entity Name	Contact	Address	Phone	Email
NYCDEP	Rohit T. Aggarwala - Commissioner	59-17 Junction Boulevard, Flushing, New York 11373	718-595-7000	Not Available
NYC Municipal Water Finance Authority	Philip Wasserman - Executive Director	75 Park Place, New York, New York 10007	212-788-5889	Not Available

### **Additional Requests**

We are unaware of any requests to be included on the contact list for the Site.

***School or Day Care Located on or Proximal to the Site***

The following schools or day care facilities are located within a ½-mile radius of the Site:

<b>School/Day Care Name</b>	<b>Approximate Distance from Site in Feet (directional)</b>	<b>Administrator</b>	<b>Phone</b>	<b>Address</b>
M479 Beacon High School / PS 35 at Beacon High School	0 (west)	Johnny Ventura - Principal	212-465-4230	522 W 44th Street, New York, New York 10036
P.S. 051- The Elias Howe School	60 (north)	Stephanie Lukas - Principal	212-315-7160	525 W 44th Street, New York, New York 10036
M303 The Facing History School	1,625 (northeast)	Dana Panagot - Principal	212-757-2680	525 W 50th Street, New York, New York 10019
Food and Finance High School	1,625 (northeast)	Sam Perry – Assistant Principal	212-586-2943	525 W 50th Street, New York, New York 10019
M296 High School of Hospitality Management	1,625 (northeast)	Yves Mompont - Principal	212-586-0963	525 W 50th Street, New York, New York 10019
M542 Manhattan Bridges High School	1,625 (northeast)	George Lock - Principal	212-757-5274	525 W 50th Street, New York, New York 10019
The Urban Assembly School of Design and Construction	1,625 (northeast)	Anthony Genna – Principal IA	212-586-0981	525 W 50th Street, New York, New York 10019
P.S. 138	1,625 (northeast)	Elyse Jaeger - Principal	212-369-2227	525 W 50th Street, New York, New York 10019
HudsonWay Immersion School	2,145 (northeast)	Martha Ortiz - Principal	212-787-8088	525 W 52nd Street, New York, New York 10019
School of the Blessed Sacrament – The Barry Upper School	2,100 (northeast)	Father David Nolan - Pastor	212-246-4784	456 W 52nd Street, New York, New York 10019
P.S. 111 Adolph S. Ochs	2,235 (northeast)	Edward Gilligan – Principal	212-582-7420	440 W 53rd Street, New York, New York 10019
M933 City Knoll Middle School	2,235 (northeast)	Kaye Kerr - Principal	212-492-9062	440 W 53rd Street, New York, New York 10019
M507 Urban Assembly Gateway School for Technology	1,545 (northeast)	Kristina Dvorakovskaya - Principal	212-246-1041	439 W 49th Street, New York, New York 10019
Success Academy Charter School – Hell’s Kitchen Elementary	1,545 (northeast)	Elizabeth Heaney - Principal	646-790-2153	439 W 49th Street, New York, New York 10019
M393 The Business of Sports School	1,545 (northeast)	Joshua Solomon- Principal	212-246-2183	439 W 49th Street, New York, New York 10019

School/Day Care Name	Approximate Distance from Site in Feet (directional)	Administrator	Phone	Address
Stephen T. Mather Building Arts and Craftsmanship High School	1,545 (northeast)	Christopher Mayer-Principal	212-299-3520	439 W 49th Street, New York, New York, 10019
P.S. 212 Midtown West School	1,800 (east)	Kathleen Loua - Principal	212-247-0208	328 West 48th Street, New York, New York 10036
Family School West	1,925 (east)	Lesley Nan Haberman – Founder and Headmistress	212-688-5950	308 W 46th Street, New York, New York 10036
De La Salle Academy	1,545 (southeast)	Angel R. Gonzalez-Head of School	212-316-5840	332 W 43rd Street, New York, New York, 10036
Zoni Language Centers	2,600 (southeast)	Not Available	212-736-900	535 8th Avenue, New York, New York 10018
Success Academy Charter School- Hudson Yards Elementary and Middle School	650 (south)	Kaleigh Maines-Principal	212-845-9683	500 W 41st Street, New York, New York 10036
The Learning Experience- Hell's Kitchen	553 (northwest)	Lindsey Whorton-Executive Director	646-590-2511	572 11th Avenue, New York, New York, 10036
Vivvi- Hudson Yards	2610 (southwest)	Valery Castaño-Quispe-Head of School	212-561-8914	55 Hudson Yards, New York, New York, 10001
Vivvi- Midtown West	964 (west)	Rebecca Dollard- Head of School	646-343-9817	620 W 42nd Street, New York, New York, 10036
Bright Horizons at West 53rd	2624 (north)	Cassandra Oligario-Center Director	646-348-9013	540 W 53rd Street, New York, New York, 10019
The Learning Experience- Hudson Yards	2304 (southeast)	Not Available	212-695-7639	417 W 35th Street, New York, New York, 10001
Star A Kidz	1526 (southeast)	Rachel Wallace-Educational Director	212-974-2222	345 W 42nd Street, New York, New York, 10036

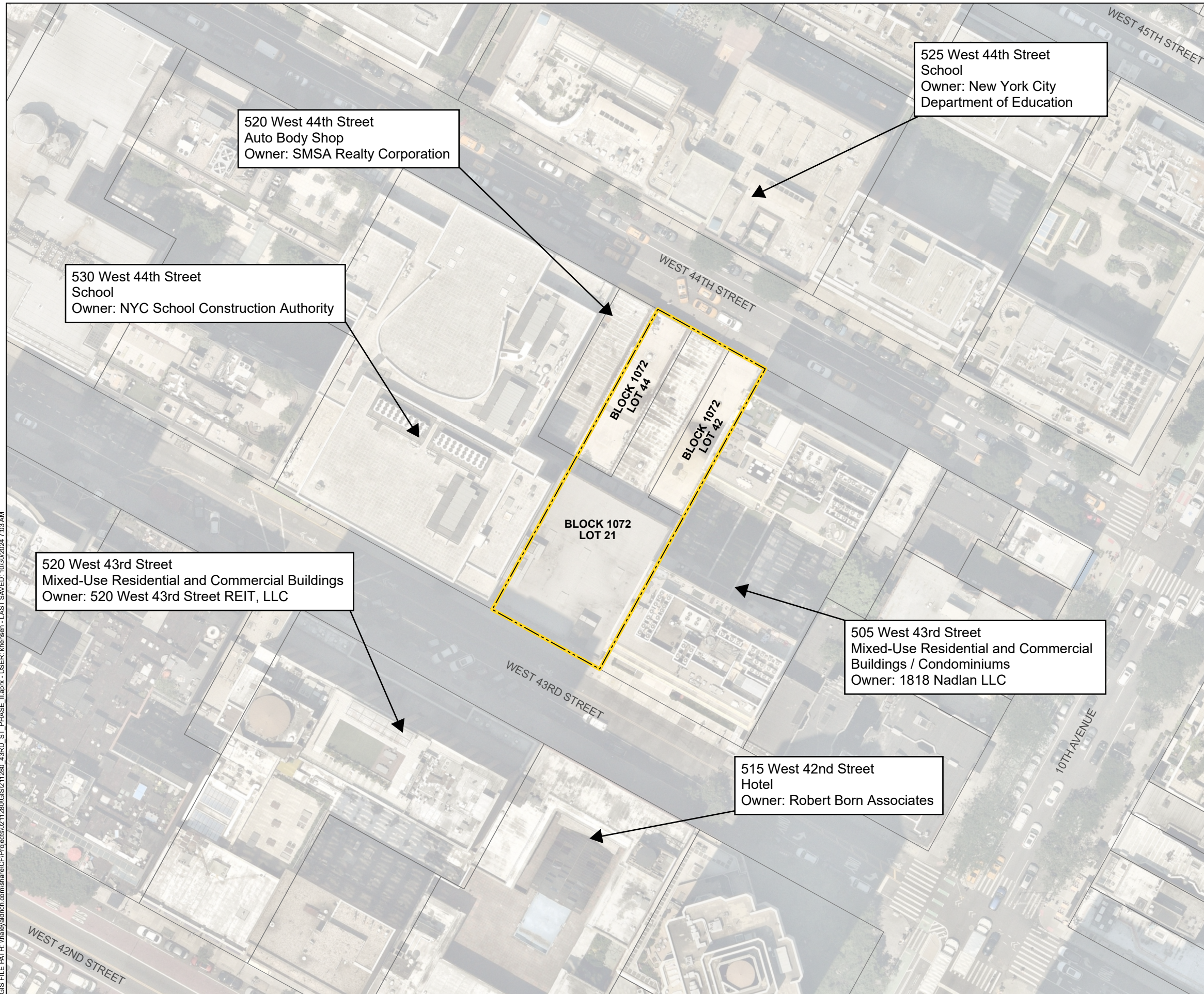
### ***Document Repository***

Documentation of the confirmation from the New York Public Library (NYPL) – Stephen A. Schwarzman Building, and the Manhattan Community Board 4 to act as document repositories is attached.

Owner/Entity Name	Contact	Address	Phone	Email
NYPL – Stephen A. Schwarzman Building	Not Available	476 5th Avenue, New York, New York 10018	917-275-6975	<a href="mailto:gethelp@libanswers.nypl.org">gethelp@libanswers.nypl.org</a>
Manhattan Community Board 4	Jesse Bodine	424 West 33rd Street, Suite 580 New York, New York 10001	212-736-4536	<a href="mailto:jbodine@cb.nyc.gov">jbodine@cb.nyc.gov</a>



G:\GIS\FILE PATH: \\haleyaldrich.com\share\CF\Projects\0211280\GIS\211280\_43RD\_ST\_PHASE\_1\aprx - USER: khansen - LAST SAVED: 10/30/2024 7:03 AM



#### LEGEND

-  SITE BOUNDARY
-  PARCEL BOUNDARY

#### NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: KINGS COUNTY
3. AERIAL IMAGERY SOURCE: NEARMAP, 18 JUNE 2024



0 60 120  
SCALE IN FEET

**HALEY  
ALDRICH**

515-519 WEST 43RD STREET AND 514-518 WEST 44TH STREET  
MANHATTAN, NEW YORK

ADJOINING SITE MAP

NOVEMBER 2024

FIGURE 8



**Acknowledgement From New York Public Library – Stephen A. Schwarzman Building**





H & A OF NEW YORK ENGINEERING  
AND GEOLOGY, LLP  
213 W 35<sup>th</sup> Street  
7<sup>th</sup> Floor  
New York, NY 10001  
Tel: 646.277.5685

24 October 2024

New York Public Library – Stephen A. Schwarzman Building  
476 5<sup>th</sup> Avenue  
New York, NY 10018  
Via email: [gethelp@libanswers.nypl.org](mailto:gethelp@libanswers.nypl.org)  
Attn: Managing Librarian

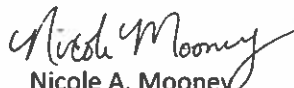
Subject: Brownfield Cleanup Program Application – Request for Repository Use  
515-519 West 43<sup>rd</sup> Street Redevelopment Site  
515-519 West 43<sup>rd</sup> Street, 514, 518 West 44<sup>th</sup> Street  
New York, NY 10036

Dear Managing Librarian:

H & A of New York Engineering and Geology, LLP (Haley & Aldrich of New York), on behalf of BH Group 43 LLC, is requesting use of the New York Public Library – Stephen A. Schwarzman Building as a document repository for the anticipated project located at 515-519 West 43<sup>rd</sup> Street and 514, 518 West 44<sup>th</sup> Street, New York, NY. The New York State Department of Environmental Conservation (NYSDEC) requires a letter certifying that the proposed document repository is able to serve as a public repository for all documents pertaining to the environmental cleanup at the Site. Please sign below denoting that your facility would be amenable to serving as a temporary public repository.

Should you have any questions, please do not hesitate to give me a call at (646) 984-5064.

Thank you,  
H & A OF NEW YORK ENGINEERING AND GEOLOGY, LLP

  
Nicole A. Mooney  
Project Geologist

The New York Public Library – Stephen A. Schwarzman Building is willing to act as a public document repository holding and making available of all provided environmental documents related to the 515-519 West 43<sup>rd</sup> Street Redevelopment Site Brownfield Cleanup Project.

  
Name

12/3/24  
Date

Director, Collection Development  
Title

## Acknowledgement From Manhattan Community Board 4

## Mooney, Nicole

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**From:** Jesse Bodine <jbodine@cb.nyc.gov>  
**Sent:** Wednesday, October 2, 2024 10:12 AM  
**To:** Mooney, Nicole  
**Subject:** Re: [EXTERNAL] NYSDEC Brownfield Cleanup Program - Document Repository Request - 515-519 West 43rd Street

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### CAUTION: External Email

Manhattan Community Board 4 will act as a repository for H & A of New York Engineering and Geology, LLP for their project located at 515-519 West 43rd Street, New York, NY.

Jesse Bodine  
District Manager  
Manhattan Community Board 4  
[www.nyc.gov/mcb4](http://www.nyc.gov/mcb4)

Phone: 212-736-4536  
[jbodine@cb.nyc.gov](mailto:jbodine@cb.nyc.gov)

Mailing Address  
424 West 33rd Street, Suite #580  
New York, New York, 10001

*\* Please visit our [website](#) to learn how to make an appointment and/or attend committee meetings.*  
*\*\* Members Only: [Remote Participation Request Form](#)*

---

**From:** Mooney, Nicole <NMooney@haleyaldrich.com>  
**Sent:** Monday, September 30, 2024 4:46 PM  
**To:** Jesse Bodine <jbodine@cb.nyc.gov>  
**Subject:** [EXTERNAL] NYSDEC Brownfield Cleanup Program - Document Repository Request - 515-519 West 43rd Street

You don't often get email from nmooney@haleyaldrich.com. [Learn why this is important](#)

**CAUTION! EXTERNAL SENDER.** Never click on links or open attachments if sender is unknown, and never provide user ID or password. If **suspicious**, report this email by hitting the **Phish Alert Button**. If the button is unavailable or you are on a mobile device, forward as an attachment to [phish@oti.nyc.gov](mailto:phish@oti.nyc.gov).

Good afternoon,

H & A of New York Engineering and Geology, LLP is formally requesting permission to include the Manhattan Community Board 4 as a document repository during the investigation and remediation of the property located at 515-519 West 43<sup>rd</sup> Street, New York, NY. Please review the attached letter and, if amenable, provide a signed copy via email. We can also accept an email confirmation if that is more convenient – if you choose this option, please indicate in the email text that the Manhattan Community Board 4 will act as a repository for H & A of New York Engineering and Geology, LLP for their project located at 515-519 West 43<sup>rd</sup> Street, New York, NY.

Please return this to us at your earliest convenience and please contact me with any questions.

Thank you,

**Nicole Mooney**  
Project Geologist

**H & A of New York Engineering and Geology, LLP**  
213 West 35<sup>th</sup> Street | 7<sup>th</sup> Floor  
New York, NY 10001

Office: (646) 568-9340  
Mobile: (646) 984-5064

[www.haleyaldrich.com](http://www.haleyaldrich.com)