File
W. 19 St. Devel.

New York State Department of Environmental Conservation
Division of Environmental Enforcement
Eastern Field Unit
200 White Plains Road, 5th Floor, Tarrytown, New York 10591-5805
Phone: (914) 332-1835 ext. 316 • **FAX:** (914) 332-5116
Website: www.dec.state.ny.us

Erin M. Crotty
Commissioner

December 24, 2003

Mark A. Chertok, Esq.
Sive, Paget & Riesel, P.C.
460 Park Avenue
New York, NY 10022-1906

Re: Voluntary Cleanup Program
Volunteer: Georgetown 19th Development LLC
Site Name: West 19th Street
Site #: V-00624-02 Index #: W2-0948-03-02

Dear Mark:

Enclosed is a fully executed copy of the Voluntary Cleanup Agreement Amendment for the above-referenced Site.

If you have any questions or comments do not hesitate to contact me.

Sincerely,

Denise J. D'Ambrosio
Assistant Counsel

Enclosure
e.c. w/o enc.: A. Quartararo
D. Walsh
R. Schick

c. w/ enc.: G. Laccetti
J. Moloughney ✓

RECEIVED
FEB 2003
DIVISION OF ENVIRONMENTAL REMEDIATION

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Amendment
In the Matter of the Implementation of a
Voluntary Cleanup Agreement
for: **West 19th Street** by: **Georgetown 19th Street Development LLC**, "Volunteer"
Site #: V-00624-2 Index #: W2-0948-03-12

WHEREAS, the Volunteer and the Department have entered into a Voluntary Cleanup Agreement ("VCA") effective March 13, 2003; and

WHEREAS, the "Site" is described in the VCA as : A parcel of real property, approximately 0.6 acres in size, situated between West 18th and West 19th Streets and bordering 11th Avenue on the west in the Borough of Manhattan, New York City and known as Block 690 Lot 12 on the Tax Map of the City of New York"; and

WHEREAS, the Volunteer has added to the Site a parcel of real property of approximately 0.013 acres in size on its northwest corner (the "sliver parcel"), which parcel was considered in developing the investigation and remediation of the Site; and

WHEREAS, this sliver parcel is known as Block 690 Lot 54 on the Tax Map of the City of New York; and

WHEREAS, the Volunteer requests that this sliver parcel be formally included in the VCA.

NOW, THEREFORE, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING AMENDMENT TO THE MARCH 13, 2003 AGREEMENT:

1. The definition of the "Site" in the VCA is hereby amended to include the sliver parcel (Block 690 Lot 54 on the Tax Map of the City of New York). Exhibit "A" of this Amendment is a map of the Site including the sliver parcel.

2. The effective date of this Amendment shall be the date it is signed by the Commissioner or the Commissioner's designee.

DATED: December 17 2003

ERIN M. CROTTY, COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION AND
TRUSTEE OF THE STATE'S NATURAL
RESOURCES

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

CONSENT BY VOLUNTEER

Volunteer hereby consents to the issuing and entering of this Amendment to the underlying Voluntary Cleanup Agreement, waives Volunteer's right to a hearing herein as provided by law, and agrees to be bound by this Amendment and the underlying Agreement.

Dated:

Georgetown 19th Street Development LLC

By: _____

Title: MEMBER

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

On the 10th day of December, in the year 2003, before me, the undersigned, personally appeared Joseph Rose, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____

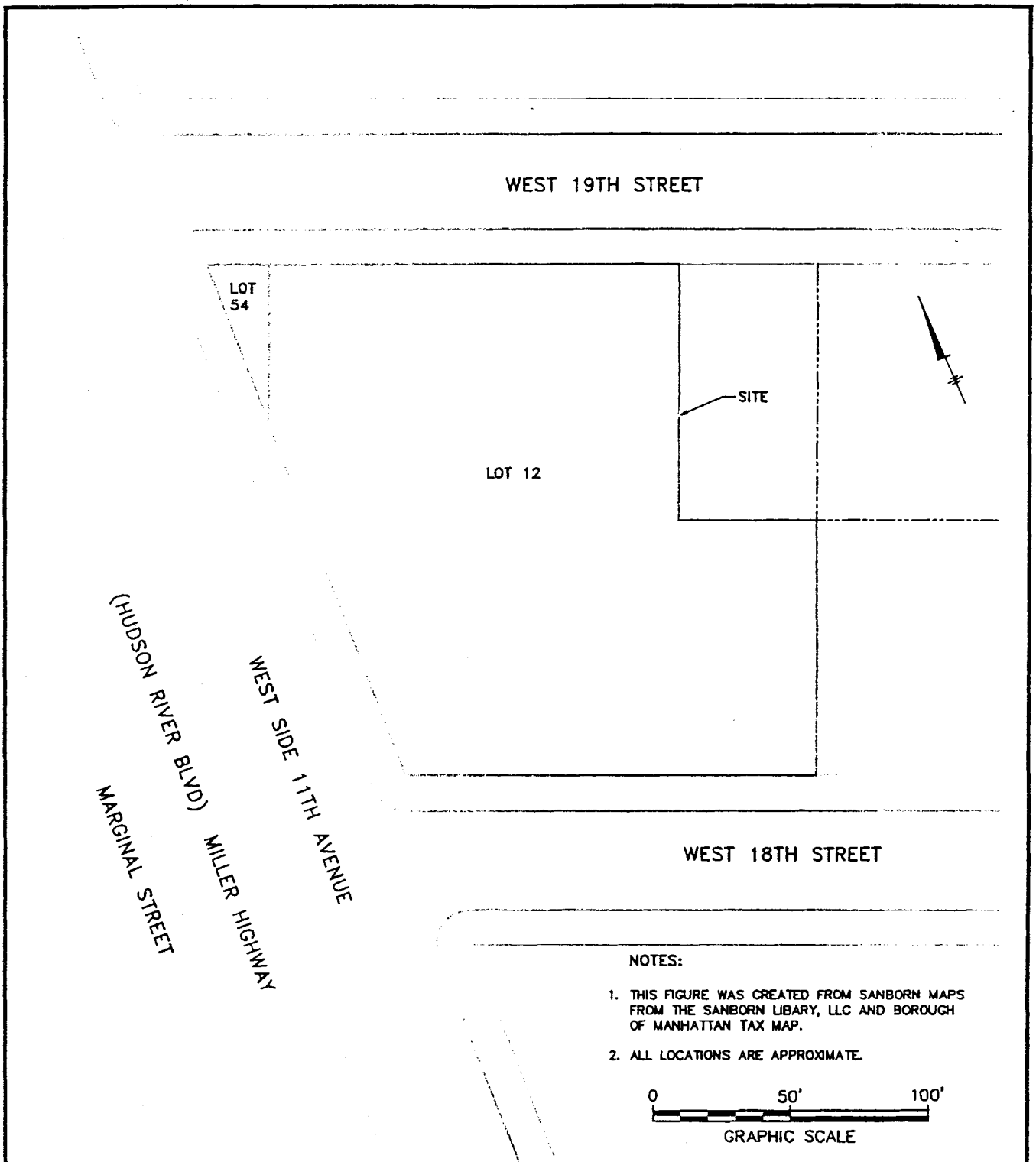
Signature and Office of individual taking acknowledgment

1759\VCA.amendment.12.09.03

KATHY SHUM
NOTARY PUBLIC, State of New York
No. 5003846
Qualified in New York County
My Commission Expires November 2, 2006

EXHIBIT "A"

Map of Site



NOTES:

1. THIS FIGURE WAS CREATED FROM SANBORN MAPS FROM THE SANBORN LIBARY, LLC AND BOROUGH OF MANHATTAN TAX MAP.
2. ALL LOCATIONS ARE APPROXIMATE.

0 50' 100'

GRAPHIC SCALE

WEST 19TH STREET DEVELOPMENT SITE
NEW YORK, NEW YORK

SITE MAP

BBL BLASLAND, BOUCK & LEE, INC. engineers & scientists

FIGURE 1

X: 27410X01.DWG
L: ON=*, OFF=REF
P: PAGESET/PLT-AP
12/9/03 SYR-85-RCB
27410001/27410C04.DWG