

July 15, 2009

CITIZEN PARTICIPATION PLAN

**Mid Block #57 Project
Manhattan, New York**

Prepared for

**DURST DEVELOPMENT L.L.C.
57 SANDWICH LLC
57 MINI LLC
MID BLOCK #57 LLC
NATIONS DEVELOPER 57 LLC
DEVCO NATIONS LLC**

ROUX ASSOCIATES, INC.

Environmental Consulting & Management



209 Shafter Street, Islandia, New York 11749 ♦ 631-232-2600

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FIGURE

1. Site Location Map
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1.0 INTRODUCTION

On behalf of Durst Development L.L.C., 57 Sandwich LLC, 57 Mini LLC, Mid Block #57 LLC, Nations Developer 57 LLC, and Devco Nations LLC (collectively known as Volunteer), Roux Associates, Inc. (Roux Associates) has prepared this Citizen Participation Plan (CPP) for the Mid Block #57 Project (the “Site”) in Manhattan, New York (see Figure 1). The CPP was developed to provide a site-specific outline and guidance for citizen participation as required by provisions of the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP). The CPP was prepared in accordance with ECL 27-1417 and the NYSDEC guidance document Draft Brownfield Cleanup Program Guide (May 2004).

The Volunteer and the NYSDEC are committed to a citizen participation program as a part of the Brownfield Cleanup Program (BCP) process at the Site. Citizen participation promotes public understanding of the responsibilities and remedial activities associated with this process. Citizen participation provides the Volunteer and the NYSDEC with an opportunity to gain public input to support a comprehensive investigation and remedial program that is protective of both public health and the environment. Consequently, the public’s suggestions about this CPP and the CPP program for the Site are always welcome. Interested parties are encouraged to discuss their ideas and suggestions with project contacts listed in Appendix A.

2.0 SITE DESCRIPTION AND HISTORY

The following section provides a physical description and a brief history of the Site.

2.1 Physical Description

The Site is located between 57th and 58th Streets and is bordered by 631 West 57th Street and the properties located at 601 West 57th Street (The Helena) and 847-853 11th Avenue (Manhattan Mini Storage) in New York, New York, which is located in the Borough of Manhattan, Block 1105, Lots 5, 14, 19 and 43, at latitude 40° 46' 17" north and longitude 73° 59' 35" west.

The western border of the Site is located 250 feet east of 12th Avenue and bisects the former Airborne Express property (Tax Lot 5) located at 631 West 57th Street. The eastern border of the Site is defined by the eastern limits of the former Dynasty Auto Body Facility, located on Tax Lot 43 at 616-618 West 58th Street. These site borders coincide with the limits of the proposed Mid Block #57 Project. A tax map showing the site limits is provided in Figure 2. A figure showing the 500 feet community impact zone for the Mid Block #57 project is provided as Figure 3.

The Site is an approximately 60,000 square foot vacant lot partially paved with asphalt and concrete. The Site formerly contained an Airborne Express parcel warehouse and vehicular maintenance building (631-649 West 57th Street), a Potamkin Toyota auto service repair facility (623-629 West 57th Street), the Copacabana Night Club (615-621 West 57th Street), and Dynasty Auto Body Facility (616-618 West 58th Street) (Figure 2). All of the aforementioned facilities on the property were demolished and this portion of the Site is currently a vacant open lot. A small section (50 feet by 80 feet) of the southeast corner of the Site is currently being used as a parking lot for The Helena, an active residential tower described below.

East of the Site and bordering 11th Avenue is The Helena, an active rental residential tower with market and affordable housing. The Helena is located at 601 West 57th Street (southeast corner of block) and Manhattan Mini Storage located at 847-853 Eleventh Avenue (northeast corner of block). West of the Site is a portion of the former Airborne Express parcel warehouse and the Artkraft Strauss Building located at 830 12th Avenue.

2.2 Site History

Complete site operational history and site investigation history are presented in the Remedial Investigation Summary Report (Roux Associates, 2007; submitted under separate cover). All or portions of the Site historically hosted an iron works facility, lumberyard, service station, auto/taxi repair and maintenance shops, garages, auto storage, and an auto body shop. Prior to 2001, the Site contained an Airborne Express parcel warehouse and auto maintenance building, a Potamkin Toyota auto repair shop, a Dynasty auto body shop, and the Copacabana nightclub. These buildings were demolished between August and December 2001.

The Site has been subject to several prior environmental investigative activities, including the recently completed Remedial Investigation Summary Report (Roux Associates, 2007). The investigation indicated that onsite soil is contaminated with petroleum-related volatile organic compounds (VOCs) and semivolatile organic compounds (SVOCs) in excess of the NYCRR Sub-part 375.6 unrestricted soil cleanup objectives across the Site. Metals attributed to urban fill were detected in excess of the NYCRR Sub-part 375.6 unrestricted soil cleanup objectives.

One open NYSDEC Spill, with ID Number 9810172, is registered at the Site for 631-649 West 57th Street (former Airborne Express Property). Quarterly groundwater monitoring has been conducted since 2000 and has indicated that low-level petroleum contaminated groundwater remains on-site.

Numerous (35) underground storage tanks and hydraulic lifts (4) were abandoned and removed from the property in the period between 1998 and 2003. Approximately 452 cubic yards of petroleum-contaminated soil were removed and disposed off-site in 2002, but post-excavation sampling indicated that petroleum contaminated soil remains on-site.

The Volunteer submitted this CPP to the NYSDEC in November 2007, together with the BCP Application and Remedial Investigation Summary Report, for review and consideration of acceptance by the NYSDEC of the Site into the Brownfield Cleanup Program.

3.0 CITIZEN PARTICIPATION ACTIVITIES

Citizen participation activities are planned to promote communication between the community surrounding the Site, the NYSDEC, and the Volunteer. The citizen participation activities are intended to address the following questions:

- Who is interested in or affected by the Site?
- What issues of public concern relate to the Site?
- What information can the public contribute about the Site?

3.1 Site Contact List

As required by the BCP, a comprehensive contact list has been established that includes local and state officials, adjacent property owners, occupants and residents, local news media, the public water supplier, and additionally requested contacts. The Site Contact List, including contact information, is provided in Appendix B.

3.2 Document Repositories

Local document repositories have been established at the Region 2 office of the NYSDEC and at the Columbus Branch of the New York Public Library. All documents pertaining to citizen participation activities and related notifications will be placed at the document repositories for public review. Site repository locations and hours are included in Appendix C.

3.3 Issues of Public Concern

Issues of public concern at the Site include procedures for protection of public health and safety during remediation activities. During remediation (if necessary), worker and community health and safety activities will be conducted, including:

- Securing the work perimeter with an eight-foot plywood fence
- On-site air monitoring for worker protection
- Perimeter air monitoring for community protection
- Using odor, vapor, and dust controls such as water or foam sprays, as required during air monitoring

Details on the Site Health and Safety Plan and the Community Air Monitoring Plan will be included in the documents generated in support of the remediation.

3.4 Summary of Required Citizen Participation Activities

The following outlines the citizen participation program, as required by the BCP for this project.

3.4.1 Application Notification

Upon determination by the NYSDEC that the BCP application is complete, the Volunteer shall provide formal notification to all entities on the Site Contact List, including local media outlets, prior to the 30-day public comment period.

3.4.2 Remedial Work Plan

Before the NYSDEC approves a proposed remedial work plan or makes a determination that site conditions do not require remediation, the Volunteer and the Participant, in cooperation with the NYSDEC, will provide a fact sheet to the contact list describing the Remedial Work Plan and provide a 45-day public comment period. The NYSDEC will hold a public meeting, if requested, by the affected community and the NYSDEC has found that the Site constitutes a significant threat to the public health or the environment.

3.4.3 Pre-Construction Activities

Prior to any remedial construction, the Volunteer and the Participant will provide notice to the contact list announcing the start of remedial construction.

3.4.4 Final Engineering Report

Before the NYSDEC approves a proposed final engineering report, the Volunteer and the Participant will provide notice to the contact list, including a fact sheet describing the report or any proposed institutional or engineering controls.

3.4.5 Certificate of Completion

Within ten days of the issuance of a certificate of completion at the Site, the Volunteer will provide notice and a fact sheet describing any institutional or engineering controls.

3.4.6 Additional Citizen Participation Activities

Additional citizen participation activities including, but not limited to, public meetings, availability sessions, and mailing of additional fact sheets will occur as determined necessary by the NYSDEC to address public concerns.



QUADRANGLE LOCATION



Title:

SITE LOCATION MAP

CITIZEN PARTICIPATION PLAN
MID BLOCK #57 PROJECT

Prepared for:

THE DURST DEVELOPMENT L.L.C.

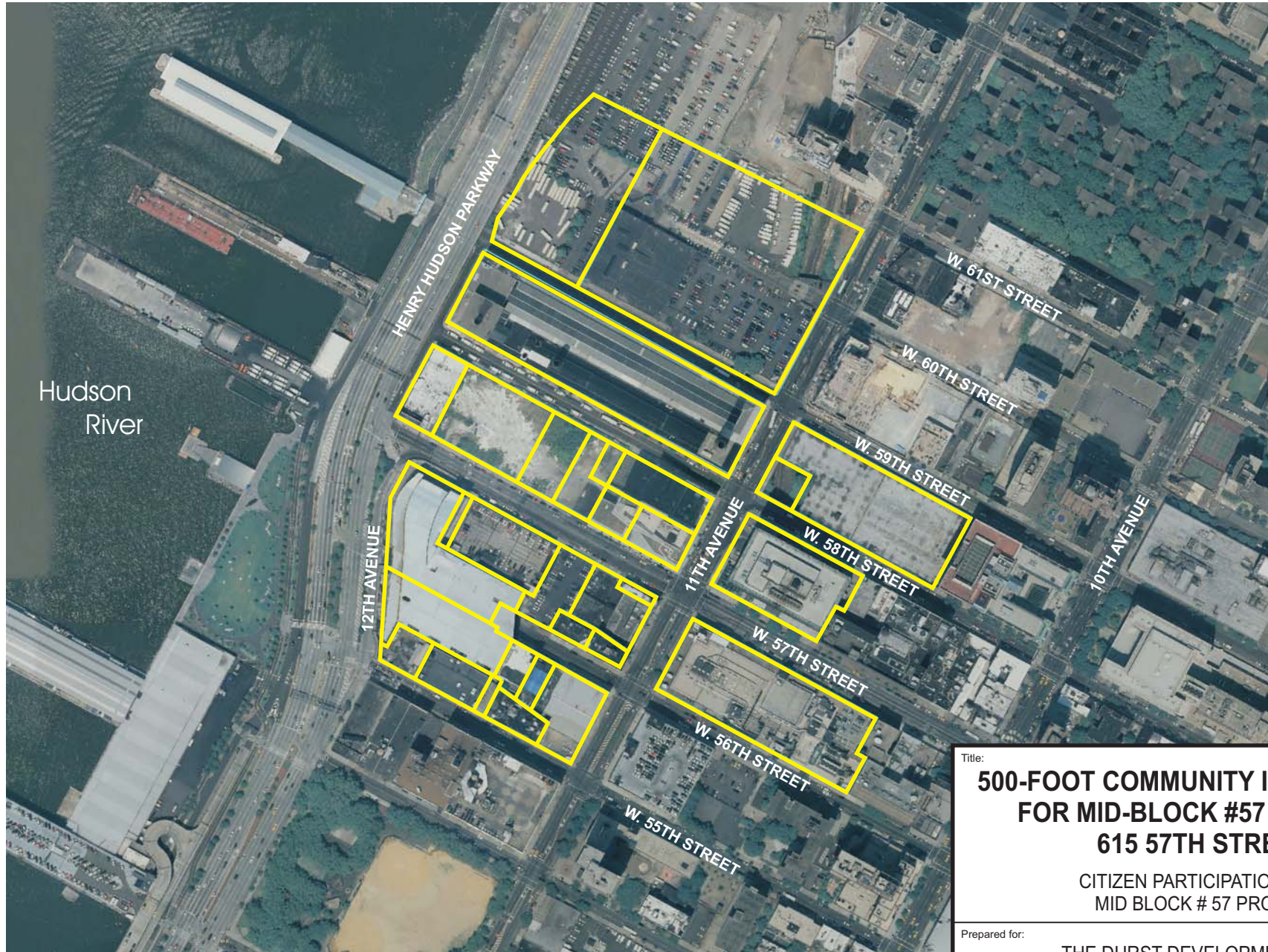


ROUX ASSOCIATES, INC.
Environmental Consulting
& Management

Compiled by: J.L.	Date: 15JULY09
Prepared by: J.A.D.	Scale: AS SHOWN
Project Mgr.: J.L.	Office: NY
File No.: DUR03109R03.CDR	Project No.: 133803Y

FIGURE

1



Title:

500-FOOT COMMUNITY IMPACT ZONE FOR MID-BLOCK #57 PROJECT 615 57TH STREET

CITIZEN PARTICIPATION PLAN
MID BLOCK # 57 PROJECT

Prepared for:

THE DURST DEVELOPMENT L.L.C.



Map Prepared by Division of Public Affairs and Education NYSDEC Region 2
6/17/2009

David Paterson, Governor
Alexander B. Grannis, Commissioner

0 165 330 660Feet

This map was prepared using existing data sources. Reasonable efforts have been made to ensure the accuracy and completeness of the map. However, map accuracy is limited by the scale, accuracy, and date of the source data. This map is to be used for reference purposes only. Site specific conditions should be field verified.



ROUX ASSOCIATES, INC.
Environmental Consulting
& Management

Compiled by: J.L.

Prepared by: J.A.D.

Project Mgr.: J.L.

File No.: DUR03109R01.CDR

Date: 15JULY09

Scale: AS SHOWN

Office: NY

Project No.: 133803Y03

FIGURE

3

APPENDIX A

Project Contact List

APPENDIX A

PROJECT CONTACT LIST

Jane O'Connell
New York State Department of Environmental Conservation – Region 2
1 Hunter's Point Plaza
47-40 21st Street
Long Island City, New York 11101
Telephone (718) 482-4599

Ioana Munteanu-Ramnic
New York State Department of Environmental Conservation – Region 2
1 Hunter's Point Plaza
47-40 21st Street
Long Island City, New York 11101
Telephone (718) 482-4065

Joseph Crua
New York State Department of Health
Bureau of Environmental Exposure Investigation
Flanigan Square
547 River Road
Troy, New York 12180
Telephone: (800) 458-1158 Ext. 27890

Jordan Barowitz
The Durst Organization Inc.
1155 Avenue of the Americas
New York, New York 10036
Telephone (212) 597-1220

APPENDIX B

Site Contact List

APPENDIX B

CONTACT LIST INFORMATION

1. Government Representatives

Hon. Charles Schumer
United States Senator
757 Third Avenue, Room 1702
New York, New York 10017

Hon. Kirsten Gillibrand
United States Senator
780 Third Avenue, Suite 2601
New York, New York 10017

Hon. Mayor Michael R. Bloomberg
The City of New York, Mayor's Office
City Hall
New York, New York 10007
Telephone (212) NEW-YORK or 311 within New York City
Fax (212) 788-2460

Manhattan Community Board 4
330 West 42nd Street, Suite 2618
New York, New York 10036
Attn: J.D. Nolan, Chair

Manhattan Community Board 4
330 West 42nd Street, Suite 2618
New York, New York 10036
Attn: Chair, Clinton/Hell Kitchen Land Use Committee

Mark McIntyre
Mayor's Office of Environmental Remediation
253 Broadway, 14th Floor
New York, New York 10007

Edith Hsu-Chen
Director, NYC Planning Commission - Manhattan Office
22 Reade Street 6W
New York, New York 10007-1216

John Wuthenow
Office of Environmental Planning & Assessment
NYC Dept. of Environmental Protection
59-17 Junction Boulevard
Flushing, New York 11373

Borough of Manhattan
County of New York
Norman Goodman, County Clerk
60 Centre Street, Room 161
New York, New York 10007

Amanda M. Burden
Chair of the City Planning Commission and
Director of the Department of City Planning
New York City Planning Commission
22 Reade Street
New York, New York 10007-1216
Telephone (212) 720-3300
Fax (212) 720-3219

Robert Kulikowski, Ph.D.
Director of the Mayor's Office of Environmental Coordination
253 Broadway – 14th Floor
New York, New York 10007
Telephone (212) 788-9956
Fax (212) 788-2941

Office of Manhattan Borough President Scott M. Stringer
1 Centre Street, 19th Floor
New York, New York 10007
Telephone (212) 669-8300
Fax (212) 669-2300

Robert J. Benfatto, Jr., Esq.
District Manager
Manhattan Community Board 4
330 West 42nd Street, Suite 2618
New York, New York 10036
Telephone (212) 736-4536
Fax (212) 947-9512

Gale A. Brewer
New York City Council Member – District 06
563 Columbus Avenue
New York, New York 10024
Telephone (212) 873-0282
Fax (212) 873-0279

Asm. Linda B. Rosenthal
67th Assembly District
230 West 72nd Avenue, Suite 2F
New York, New York 10023
Telephone (212) 873-6368

Senator Thomas K. Duane
Senatorial District: 29
322 Eighth Avenue, Suite 1700
New York, New York 10001
Telephone (212) 633-8052
Fax (212) 633-8096

Rep. Jerrold Nadler
Congressional District: 08
201 Varick Street, Suite 669
New York, New York 10014
Telephone (212) 367-7350
Fax (212) 367-7356

2. Residents, Owners, and Occupants of the Site and Properties Adjacent to the Site

a. Occupants of the Site

Vacant

b. Owners of the Properties Adjacent to the Site

North of Site

Block: 1106
Lot: 1
Owner: City of New York
Address: Plant Manager
59th Street Steam Station
840 Joe DiMaggio Highway
New York, New York 10019

Block: 1106
Lot: 1
Operator: Consolidated Edison Company of New York, Inc.
Address: 4 Irving Place, Room 828
New York, New York 10003-3502

South of Site

Block: 1104
Lot: 1
Owner: New York City Department of Sanitation
Address: Central Correspondence Unit
346 Broadway, 10th Floor
New York, New York 10013

Block: 1104
Lot: 1
Owner: New York City Department of Sanitation
Address: Department of Sanitation Garage for Districts 4/4A/7
650 West 57th Street
New York, New York 10019

Block: 1104
Lot: 55
Occupant: Jamies Foreign Car Service Limited or Current Occupant
Address: 642 West 57th Street
New York, New York 10019

Block: 1104
Lot: 44
Occupant: Autotech Nissan or Current Occupant
Address: 622 West 57th Street
New York, New York 10019

Block: 1104
Lot: 44
Occupant: Nice Guys Limousines or Current Occupant
Address: 622 West 57th Street
New York, New York 10019

Block: 1104
Lot: 44
Occupant: Garage Management Company or Current Occupant
Address: 622 West 57th Street
New York, New York 10019

Block: 1104
Lot: 44
Occupant: KOS Tom Collision Corporation or Current Occupant
Address: 622 West 57th Street
New York, New York 10019

Block: 1104
Lot: 40
Occupant: Infinity of Manhattan
Address: 608 West 57th Street
New York, New York 10019

Block: 1104
Lot: 31
Occupant: Lexus of Manhattan
Address: 1129 11th Avenue
New York, New York 10019

Block: 1104
Lot: 36
Occupant: Take Five Cocktail Lounge or Current Occupant
Address: 600 West 57th Street
New York, New York 10019

Block: 1104
Lot: 36
Occupant: Tasos Restaurant or Current Occupant
Address: 600 West 57th Street
New York, New York 10019

Block: 1104
Lot: 36
Occupant: Ashley Collection Inc or Current Occupant
Address: 600 West 57th Street
New York, New York 10019

Block: 1104
Lot: 36
Occupant: C I S Brokerage Inc or Current Occupant
Address: 600 West 57th Street
New York, New York 10019

Block: 1104
Lot: 36
Occupant: Law Offices of Bonnie L. Mohr or Current Occupant
Address: 600 West 57th Street, Suite 300
New York, New York 10019

Block: 1104
Lot: 36
Occupant: Leatha Sturges, Esq., or Current Occupant
Address: 600 West 57th Street
New York, New York 10019

Block: 1104
Lot: 36
Occupant: Continental Car Club Inc or Current Tenant
Address: 600 West 57th Street
New York, New York 10019

Block: 1104
Lot: 36
Occupant: Robert Stark Lighting or Current Occupant
Address: 600 West 57th Street
New York, New York 10019

Block: 1104
Lot: 36
Occupant: J Macs or Current Occupant
Address: 600 West 57th Street
New York, New York 10019

Block: 1104
Lot: 36
Occupant: Security Car Service or Current Occupant
Address: 600 West 57th Street
New York, New York 10019

Block: 1104
Lot: 36
Occupant: Emergency Gold Locksmith or Current Occupant
Address: 600 West 57th Street
New York, New York 10019

Block: 1104
Lot: 36
Occupant: George Floratos or Current Occupant
Address: 600 West 57th Street
New York, New York 10019

Block: 1104
Lot: 36
Occupant: Gramercy Custom Furniture or Current Occupant
Address: 600 West 57th Street
New York, New York 10019

West of Site

Block: 1105
Lot: 1
Owner: Four Plus Corporation
Address: 8650 Minnie Brown Road, Suite 116
Montgomery, Alabama 36117-7433

Block: 1105
Lot: 1
Owner: Chashama
Address: 201 East 42nd Street, 32nd Floor
New York, New York 10017

Block: 1109
Lot: 20
Owner: Department of General Services
Address: 2 Lafayette Street
New York, New York 10007-1307

Block: 1109
Lot: 20
Operator: Hudson River Park Trust
Address: Pier 40, 2nd Floor
West Street, at West Houston Street
New York, New York 10014

Note 1: The New York City Department of Sanitation (DSNY) currently occupies Lot 20 (a.k.a. Pier 97) for truck staging purposes. The DSNY will be contacted (see above).

Block: 1109
Lot: 25
Owner: Department of Business Services
Address: 110 William Street, Lobby 3
New York, New York 10038-3917

Note 2: Consolidated Edison of New York (ConEd) occupies Lot 25 (a.k.a. Pier 98) for delivery by barge of fuel oil. ConEd will be contacted (see above).

Note 3: Pier 98 is located within the Clinton segment of Hudson River Park. The Hudson River Park Trust (HRPT) administers the Hudson River Park. The HRPT will be contacted (see above).

East of Site

Block: 1105
Lot: 36
Owner: Four Plus Corporation
Address: (same as above)

Block: 1105
Lot: 36
Occupant: Manhattan Mini Storage or Current Occupant
Address: 600 West 58th Street
New York, New York 10019

Block: 1105
Lot: 23 and 29
Owner: Four Plus Corporation
Address: (same as above)

Note 4: Tax Lots 23 and 29 are improved with a recently constructed 38-floor apartment building known as The Helena, which features 600 rental apartments. Considering the voluminous amount of tenants, and since the requestor is associated with the owners of The Helena, building management (i.e., Sidney Fetner Associates) will be contacted to arrange for the distribution of all pertinent Brownfield Program related documentation (e.g., notices, fact sheets), as well as the display of such documentation in public area(s).

3. Local News Media from which the Community Typically Obtains Information

Newspaper – 1

Daily News

450 West 33rd Street

New York, New York 10001

Telephone (212) 210-2100

Newspaper – 2

New York Post

1211 Avenue of the Americas

New York, New York 10036

Telephone (212) 930-8000

Television – 1

New York 1 News

75 Ninth Avenue

New York, New York 10011

Telephone (212) 379-3311

Television – 2

ABC7

7 Lincoln Square

New York, New York 10023

(212) 456-3100

Metro-NY

44 Wall Street, 8th Floor

New York, New York 10005

Chelsea/Clinton News

c/o Manhattan Media LLC

79 Madison Avenue, 16th Floor

New York, New York 10016

4. Public Water Supplier

New York City Department of Environmental Protection

Bureau of Water and Sewer Operations

59-17 Junction Boulevard, 17th Floor

Flushing, New York 11373

Telephone (212) NEW-YORK or 311 within the City of New York only.

5. Persons Requesting to be on the Contact List

No persons have requested to be on the contact list.

6. School/Day Care Administration Near the Site

John Jay College of Criminal Justice
% Jeremy Travis, President
445 West 59th Street
New York, New York 10019
Telephone (212) 237-8866

P.S. 191 Amsterdam
% Maria Verdesoto, Principal
210 West 61st Street
New York, New York 10023
Telephone (212) 757-4343

Beacon High School
% Ruth Lacey, Principal
227 West 61st Street
New York, New York 10023
Telephone (212) 245-2807

Heschel School
% Alisa R. Doctoroff
20 West End Highway
New York, New York 10023
Telephone (212) 246-7717

YWCA – Polly Dodge Center
% Maria Verdesoto, Principal
538 West 55th Street
New York, New York 10019
Telephone (212) 757-2047

High School for Environmental Studies
444 West 56th Street
New York, New York 10019
Attn: Shirley H. Matthews, Principal

P.S. 111 Adolph S. OCHS
440 West 53rd Street
New York, New York 10019
Attn: Irma Medina, Principal

7. Community, Civic, Religious and other Educational Institutions

St. Paul the Apostle
60th Street & 9th Avenue
New York, New York 10019

St. George Greek Orthodox Church
307 West 54th Street
New York, New York 10019

St. Paul's House
335 West 51st Street
New York, New York 10019

Trinity Presbyterian Church
422 West 57th Street
New York, New York 10019

West 54-55 Street Block Association
45 West 54th Street
New York, New York 10019

The Avenue Association
40 West 57th Street
New York, New York 10019

Midtown West Business Association
696 10th Avenue
New York, New York 10019

Midtown Management Group, Inc./Inside B'Way
630 9th Avenue, Suite 802
New York, New York 10036

Ninth Avenue Local Development Corporation
496 9th Avenue
New York, New York 10018

Coalition for a Livable West Side
P.O. Box 230078
New York, New York 10023

Council on the Environment of NYC
51 Chambers Street, Room 228
New York, New York 10007

The Metropolitan Waterfront Alliance
457 Madison Avenue
New York, New York 10022

Manhattan Borough Chamber of Commerce
1375 Broadway, Third Floor
New York, New York 10018

Youth Opportunity Centers, Community Services
247 W. 54th Street, 2nd Floor
New York, New York 10019

St. Luke's Hospital
515 West 59th Street
New York, New York 10019

St. Luke's Hospital Slrhc
555 W 57th St # 19
New York, New York 10019

St. Luke's Hospital Slrhc
1000 10th Ave # 6C-01
New York, New York 10019

Beth Israel Hospital
555 W 57th St # 18
New York, New York 10019

New York Presbyterian Hospital
555 W 57th St
New York, New York 10019

Pan American Medical Center
500 W 57th St
New York, New York 10019

APPENDIX C

Document Repositories

APPENDIX C

Document Repositories

Documents relevant to the environmental activities at the Site will be stored at the following document repositories:

NYSDEC

Region 2 Office, New York City

1 Hunter's Point Plaza

47-40 21st Street

Long Island City, New York 11101-5401

Contact: Ioana Munteanu-Ramnic

Phone: (718) 482-4065

Hours: 8:30 a.m. to 4:45 p.m., Monday to Friday.

Call in advance to make an appointment to view the documents at the NYSDEC office.

The New York Public Library

Columbus Branch Library

% Jeanne Czarny, Branch Manager

742 10th Avenue

New York, New York 10019

Hours: 10:00 a.m. to 8:00 p.m., Monday and Wednesday

10:00 a.m. to 6:00 p.m., Tuesday and Thursday

10:00 a.m. to 5:00 p.m., Friday and Saturday

Closed Sunday