



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐

Yes

☒

No

If yes, provide existing site number: \_\_\_\_\_

### PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 10*

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME 250 Seaport District, LLC

ADDRESS c/d: The Howard Hughes Corporation, 199 Water Street, 28th Floor

CITY/TOWN New York, NY

ZIP CODE 10038

PHONE 646-762-4755

FAX

E-MAIL Saul.Scherl@howardhughes.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒

Yes

☐

No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. **Included in Attachment A**

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

#### Section II. Project Description

1. What stage is the project starting at?

☒

Investigation

☐

Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No

4. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

**Included in Attachment B**

### Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

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).** Included in Attachment C

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	X	X	X
Chlorinated Solvents	X		X
Other VOCs	X		
SVOCs	X	X	
Metals	X	X	
Pesticides			
PCBs	X		
Other*			

\*Please describe: \_\_\_\_\_

3. **FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:**

- **SAMPLE LOCATION** Included in Attachment C
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*

(\*answering No will result in an incomplete application)

☒ Yes ☐ No

4. **INDICATE PAST LAND USES (CHECK ALL THAT APPLY):**

- |   |   |   |   |
|---|---|---|---|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" 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: oil company, a printer, a metal works, a mercury and thermometer warehouse, a chemical company, a trucking company, a garage, a machine shop, and a gasoline service station.

<b>Section IV. Property Information - See Instructions for Further Guidance</b>					Included in Attachment D		
PROPOSED SITE NAME 250 WATER STREET							
ADDRESS/LOCATION 250 WATER STREET							
CITY/TOWN New York, New York			ZIP CODE 10038				
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Manhattan							
COUNTY New York			SITE SIZE (ACRES) 1.1				
LATITUDE (degrees/minutes/seconds) 40 ° 42 ' 29.5 "			LONGITUDE (degrees/minutes/seconds) -74 ° 00 ' 09.9 "				
<b>Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , 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 far right column.ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.</b>							
Parcel Address		Included in Attachment D		Section No.	Block No.	Lot No.	Acreage
250 WATER STREET		1	98	1	1.1		
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
2. Is the required property map attached to the application? (application will not be processed without map)		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
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)		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
If yes, identify census tract : _____							
Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 100%							
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
If yes, identify name of properties (and site numbers if available) in related BCP applications: _____							
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>							
6. 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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>							
If yes, attach relevant supporting documentation.							
7. Are there any lands under water? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>							
If yes, these lands should be clearly delineated on the site map.							

#### Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?  
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

None

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

None

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? Included in Attachment D

☒ Yes ☐ No

**Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City**

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? ☒ Yes ☐ No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☒ No

13. If you have answered Yes to Question 12, 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? ☐ Yes ☐ No

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: \_\_\_\_\_



**BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)**

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Saul Scherl			
ADDRESS 199 Water Street, 28th Floor			
CITY/TOWN New York, NY		ZIP CODE 10038	
PHONE 646-762-4755	FAX	E-MAIL Saul.Scherl@howardhughes.com	
NAME OF REQUESTOR'S CONSULTANT Mimi Raygorodetsky of Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.			
ADDRESS 360 West 31st Street, 8th Floor New York, NY 10001			
CITY/TOWN New York, New York		ZIP CODE	
PHONE (212) 479-5441	FAX (212) 479-5444	E-MAIL mraygorodetsky@langan.com	
NAME OF REQUESTOR'S ATTORNEY Mark Chertok of Sive, Paget & Riesel PC			
ADDRESS 560 Lexington Avenue, 15th Floor			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 646-378-7228	FAX 212-421-1892	E-MAIL mchertok@sprlaw.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			Included in Attachment E
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME LAZ Parking			
ADDRESS 333 W 39th Street, Suite 602			
CITY/TOWN New York, NY		ZIP CODE 10018	
PHONE 212-967-4875	FAX	E-MAIL	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". Included in Attachment E			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			Included in Attachment F
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
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="checkbox"/> Yes <input checked="" type="checkbox"/> No			

## Section VII. Requestor Eligibility Information (continued)

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, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
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? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves 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? ☐ Yes ☒ No
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 or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
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? ☐ Yes ☒ No
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? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

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:

☐ PARTICIPANT

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.

☒ VOLUNTEER

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.

NOTE: By checking this box, 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; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**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.**

**Section VII. Requestor Eligibility Information (continued)****Included in Attachment F**

Requestor Relationship to Property (check one):

☐ Previous Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. 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 easement on the site Is this proof attached?

☐ Yes ☐ No**Note: a purchase contract does not suffice as proof of access.****Section VIII. Property Eligibility Information - See Instructions for Further Guidance**

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_
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? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No  
If yes, please provide: Order # \_\_\_\_\_
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No  
If yes, please provide explanation as an attachment.

**Section IX. Contact List Information****Included in Attachment G**

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 addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. 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 X. Land Use Factors		Included in Attachment H
<p>1. What is the current municipal zoning designation for the site? <u>C6-2A</u></p> <p>What uses are allowed by the current zoning? (Check boxes, below)</p> <p><input checked="" type="checkbox"/> Residential   <input checked="" type="checkbox"/> Commercial   <input type="checkbox"/> Industrial</p> <p>If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>		
<p>2. Current Use: <input type="checkbox"/> Residential   <input checked="" type="checkbox"/> Commercial   <input type="checkbox"/> Industrial   <input type="checkbox"/> Vacant   <input type="checkbox"/> Recreational   (check all that apply)</p> <p><b>Attach 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.</b></p>		
<p>3. Reasonably anticipated use Post Remediation: <input checked="" type="checkbox"/> Residential   <input checked="" type="checkbox"/> Commercial   <input type="checkbox"/> Industrial   (check all that apply)   <b>Attach a statement detailing the specific proposed use.</b></p> <p>If residential, does it qualify as single family housing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>		
<p>4. Do current historical and/or recent development patterns support the proposed use?</p> <p style="text-align: center;">Included in Attachment H</p>		<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.</p> <p style="text-align: center;">Included in Attachment H</p>		<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.</p> <p style="text-align: center;">Included in Attachment H</p>		<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

## XI. 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 the 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 Vice President (title) of 250 Seaport District, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a 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 the 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: 11/12/18 Signature: [Signature]

Print Name: Saul A. Scherl

### SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
  - Chief, Site Control Section
  - New York State Department of Environmental Conservation
  - Division of Environmental Remediation
  - 625 Broadway
  - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: \_\_\_\_\_ LEAD OFFICE: \_\_\_\_\_

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY.** Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

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Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
<p>"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.</p>	
<b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
<p>(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</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(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</p> <p>(c) there are no structures.</p>	
<p>"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.</p>	

### Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. 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\*  
(\*Checking this box 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' households 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 home owners 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.



## BCP Application Summary (for DEC use only)

**Site Name:** 250 WATER STREET  
**City:** New York, New York

**Site Address:** 250 WATER STREET  
**County:** New York **Zip:** 10038

**Tax Block & Lot**  
**Section (if applicable):** 1 **Block:** 98 **Lot:** 1

**Requestor Name:** 250 Seaport District, LLC  
**City:** New York, NY

**Requestor Address:** c/d: The Howard Hughes Corporation, 199 Water Street, 28th Floor  
**Zip:** 10038 **Email:** Saul.Scherl@howardhughes.com

**Requestor's Representative (for billing purposes)**

**Name:** Saul Scherl **Address:** 199 Water Street, 28th Floor  
**City:** New York, NY **Zip:** 10038


**Email:** Saul.Scherl@howardhughes.com

**Requestor's Attorney**

**Name:** Mark Chertok of Sive, Paget & Riesel PC **Address:** 560 Lexington Avenue, 15th Floor  
**City:** New York **Zip:** 10022

**Email:** mchertok@sprlaw.com

**Requestor's Consultant**

**Name:** Mimi Raygorodetsky of Langan Engineering, Environmental, Surveying and Land  **Address:** 360 West 31st Street, 8th Floor New York, NY 10001  
**City:** New York, New York **Zip:**

**Email:** mraygorodetsky@langan.com

**Percentage claimed within an En-Zone:** ☒ 0% ☐ <50% ☐ 50-99% ☐ 100%

**DER Determination:** ☐ Agree ☐ Disagree

**Requestor's Requested Status:** ☒ Volunteer ☐ Participant

**DER/OGC Determination:** ☐ Agree ☐ Disagree  
**Notes:**

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:** ☒ Yes ☐ No

**Does Requestor Claim Property is Upside Down:** ☐ Yes ☒ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

**Notes:**

**Does Requestor Claim Property is Underutilized:** ☐ Yes ☒ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

**Notes:**

**Does Requestor Claim Affordable Housing Status:** ☐ Yes ☐ No ☒ Planned, No Contract

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

**Notes:**

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM (BCP)  
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). **See guidance at the end of these instructions regarding the determination of a complete application.**

**SECTION I REQUESTOR INFORMATION**

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

**SECTION II PROJECT DESCRIPTION**

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

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION III**

**PROPERTY'S ENVIRONMENTAL HISTORY**

Please follow instructions on application form.

**SECTION IV**

**PROPERTY INFORMATION**

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears and clearly indicate the proposed site's location.

1. Tax Map Boundaries

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

2. Map

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION IV (continued)**

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

10. Property Description Narrative

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

Location

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

Site Features:

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

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

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

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

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

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

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION IV (continued)**

Property Description Narrative (continued)

Site Geology and Hydrogeology:

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

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

**A typical Environmental Assessment would look like the following:**

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

*Soil* - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

*Groundwater* - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

*Soil Vapor & Indoor Air* - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

**If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.**

**SECTION V**

**ADDITIONAL REQUESTOR INFORMATION**

Representative Name, Address, etc.

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

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VI                      CURRENT PROPERTY OWNER/OPERATOR INFORMATION  
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

**SECTION VII                      REQUESTOR ELIGIBILITY INFORMATION**

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

**SECTION VIII                      PROPERTY ELIGIBILITY INFORMATION**

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

1. CERCLA / NPL Listing

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA Listing

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Registry / RCRA sites owned by volunteers

If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VIII (continued)**

**5. Existing Order**

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

**6. Enforcement Action Pending**

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

**SECTION IX                      CONTACT LIST INFORMATION**

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

**SECTION X                      LAND USE FACTORS**

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

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

**SECTION XI                      SIGNATURE PAGE**

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



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**DETERMINATION OF A COMPLETE APPLICATION**

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

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**DETERMINATION OF A COMPLETE APPLICATION (continued)**

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

## **ATTACHMENT A**

### **SECTION I: REQUESTOR INFORMATION**

## **ATTACHMENT A**

### **SECTION I: REQUESTOR INFORMATION**

#### **Business Entity Information**

A copy of the entity information for 250 Seaport District, LLC (Requestor) from the New York State Department of State Division of Corporations is included with this attachment. The Requestor is the property owner and has full access to investigate, remediate, and develop the site. The property deed for the property (Manhattan Borough Tax Block 98, Lot 1) is included with this attachment.

The requester is a Limited Liability Company. The sole member of 250 Seaport District, LLC is The Howard Research and Development Corporation. The officers of 250 Seaport District, LLC are:

- David R. Weinreb - Chief Executive Officer
- Grant Herlitz - President
- David O'Reilly - Chief Financial Officer
- Peter Riley - Secretary
- Reuben Davidsohn - Chief Administrative Officer
- Saul Scherl - Vice President
- Sarah Vasquez - Vice President
- Mike Slosser - Vice President

The Operating Agreement of 250 Seaport District, LLC is included with this attachment.

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through August 27, 2018.

---

Selected Entity Name: 250 SEAPORT DISTRICT, LLC

Selected Entity Status Information

**Current Entity Name:** 250 SEAPORT DISTRICT, LLC

**DOS ID #:** 5355368

**Initial DOS Filing Date:** JUNE 07, 2018

**County:** NEW YORK

**Jurisdiction:** DELAWARE

**Entity Type:** FOREIGN LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

C/O CORPORATION SERVICE COMPANY

80 STATE STREET

ALBANY, NEW YORK, 12207-2543

**Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

**\*Stock Information**

**# of Shares**

**Type of Stock**

**\$ Value per Share**

No Information Available

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
JUN 07, 2018	Actual	250 SEAPORT DISTRICT, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

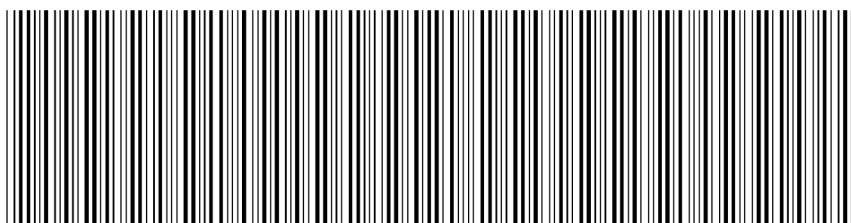
NOTE: New York State does not issue organizational identification numbers.

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**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2018062200745001001EBA51

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 6**

**Document ID: 2018062200745001**

Document Date: 06-08-2018

Preparation Date: 06-22-2018

Document Type: DEED

Document Page Count: 5

**PRESENTER:**

FIRST NATIONWIDE TITLE AGENCY, LLC  
220 E 42ND 24TH FL  
NEW YORK, NY 10017  
SUPPORT@SIMPLIFILE.COM

**RETURN TO:**

FIRST NATIONWIDE TITLE AGENCY  
50 CHARLES LINDBERGH BLVD., SUITE 600  
UNIONDALE, NY 11553  
SUPPORT@SIMPLIFILE.COM

PROPERTY DATA			
Borough	Block	Lot	Unit Address
MANHATTAN	98	1	Entire Lot 304 PEARL STREET
<b>Property Type:</b> NON-RESIDENTIAL VACANT LAND			

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**

PECK SLIP ASSOCIATES LLC  
C/O: MILSTEIN PROPERTIES CORP., 335 MADISON  
AVENUE, 24TH FLOOR  
NEW YORK, NY 10017

**GRANTEE/BUYER:**

250 SEAPORT DISTRICT, LLC  
C/O: HOWARD HUGHES CORPORATION, ONE  
GALLERIA TOWER, 13355 NOEL ROAD, 22ND FL.  
DALLAS, TX 75240

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

**TOTAL:** \$ 0.00

Recording Fee: \$ 62.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 4,796,465.63

NYS Real Estate Transfer Tax:

\$ 730,890.00

**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 06-22-2018 16:53

City Register File No.(CRFN):

**2018000208373**



*Annette McMill*

**City Register Official Signature**



**BARGAIN AND SALE DEED**  
**WITHOUT COVENANT AGAINST GRANTOR'S ACTS**

as of <sup>6</sup>

**THIS INDENTURE**, made the 8th day of June, Two Thousand Eighteen

**BETWEEN** PECK SLIP ASSOCIATES LLC, a New York limited liability company  
 c/o Milstein Properties Corp.  
 335 Madison Avenue - 24th Floor  
 New York, NY 10017

party of the first part, and

250 SEAPORT DISTRICT, LLC, a Delaware limited liability company  
 c/o The Howard Hughes Corporation  
 One Galleria Tower  
 13355 Noel Road, 22nd Floor  
 Dallas, Texas 75240

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten and 00/100 (\$10.00) dollars, lawful money of the United states, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece, or parcel of land, situate, lying, and being in the County of New York, City of New York and State of New York and being more particularly described on Exhibit A annexed hereto.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the buildings and improvements thereon erected,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement

before using any part of the total of the same for any other purpose.

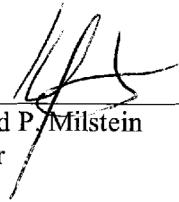
The word “party” shall be construed as if it read “parties” whenever the sense of this indenture so requires.

*[No further text on this page; signature follows]*

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

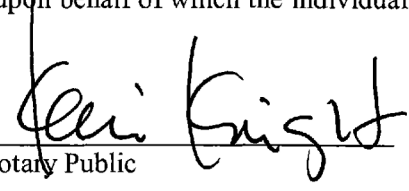
**PECK SLIP ASSOCIATES LLC,**  
a New York limited liability company

By: PMF Properties LLC,  
a New York limited liability company,  
its manager

By:   
Name: Howard P. Milstein  
Title: Manager

STATE OF NEW YORK }  
COUNTY OF NEW YORK } ss.:  
}

On the 7 day of June, in the year 2018, before me, the undersigned, a notary public in and for said state, personally appeared Howard P. Milstein personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public



## **Exhibit A**

### **Legal Description**

ALL that certain plot piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Beekman Street with the westerly side of Water Street;

RUNNING THENCE northerly along the westerly side of Water Street 333 feet  $\frac{5}{8}$  of an inch to the corner formed by the intersection of the westerly side of Water Street and the southerly side of Peck Slip;

THENCE Westerly along the southerly side of Peck Slip, 189 feet  $8\frac{7}{8}$  inches to the corner formed by the intersection of the southerly side of Peck Slip and the easterly side of Pearl Street as widened and as shown on map prepared by the Borough President's Office, dated March 21, 1957 and adopted by the Board of Estimate on June 13, 1957;

THENCE Southerly along the easterly side of Pearl Street as widened as aforesaid 324 feet  $2\frac{7}{8}$  inches to the corner formed by the intersection of the easterly side of Pearl Street and the northerly side of Beekman Street; and

THENCE Easterly along the northerly side of Beekman Street 108 feet 3 inches to the corner formed by the intersection of the northerly side of Beekman Street and the westerly side of Water Street, the point or place of BEGINNING.

**BARGAIN AND SALE DEED  
WITHOUT COVENANT AGAINST GRANTOR'S ACTS**

**PECK SLIP ASSOCIATES LLC,  
A NEW YORK LIMITED LIABILITY COMPANY**

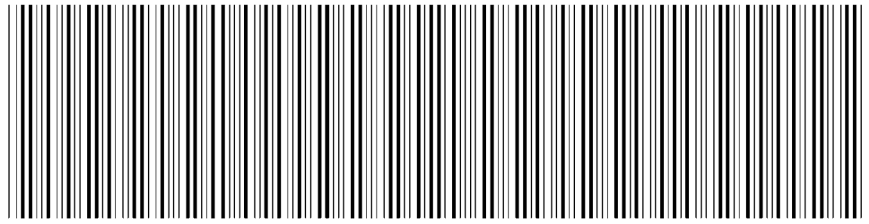
**TO**

**250 SEAPORT DISTRICT, LLC,  
A DELAWARE LIMITED LIABILITY COMPANY**

**Block: 98  
Lot: 1  
County: New York**

**Record and Return To:**  
Fried, Frank, Harris, Shriver & Jacobson LLP  
One New York Plaza, New York, NY 10004  
Attention: Jonathan Mechanic, Esq.

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**



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**SUPPORTING DOCUMENT COVER PAGE**

**PAGE 1 OF 1**

**Document ID: 2018062200745001**

Document Date: 06-08-2018

Preparation Date: 06-22-2018

Document Type: DEED

**ASSOCIATED TAX FORM ID:** 2018060700135

**SUPPORTING DOCUMENTS SUBMITTED:**

Page Count

DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING

2

RP - 5217 REAL PROPERTY TRANSFER REPORT

4

SMOKE DETECTOR AFFIDAVIT

3

**AFFIDAVIT OF COMPLIANCE  
WITH SMOKE DETECTOR REQUIREMENT  
FOR ONE- AND TWO-FAMILY DWELLINGS**

State of New York }  
County of NY } SS.:

The undersigned, being duly sworn, depose and say under penalty of perjury that they are the grantor and grantee of the real property or of the cooperative shares in a cooperative corporation owning real property located at

304 PEARL STREET

Street Address Unit/Apt.

MANHATTAN

Borough

New York,

98

Block

1

Lot

(the "Premises");

That the Premises is a one or two family dwelling, or a cooperative apartment or condominium unit in a one- or two-family dwelling, and that installed in the Premises is an approved and operational smoke detecting device in compliance with the provisions of Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York concerning smoke detecting devices;

That they make affidavit in compliance with New York City Administrative Code Section 11-2105 (g). (The signatures of at least one grantor and one grantee are required, and must be notarized).

Name of Grantor (Type or Print)

see attached (with circled 'c')

Signature of Grantor

Name of Grantee (Type or Print)

see attached (with circled 'c')

Signature of Grantee

Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

These statements are made with the knowledge that a willfully false representation is unlawful and is punishable as a crime of perjury under Article 210 of the Penal Law.

**NEW YORK CITY REAL PROPERTY TRANSFER TAX RETURNS FILED ON OR AFTER FEBRUARY 6th, 1990, WITH RESPECT TO THE CONVEYANCE OF A ONE- OR TWO-FAMILY DWELLING, OR A COOPERATIVE APARTMENT OR A CONDOMINIUM UNIT IN A ONE- OR TWO-FAMILY DWELLING, WILL NOT BE ACCEPTED FOR FILING UNLESS ACCOMPANIED BY THIS AFFIDAVIT.**

2018060700135101



**SIGNATURE RIDER TO**  
**AFFIDAVIT OF COMPLIANCE WITH SMOKE DETECTOR**

**GRANTOR:**

**PECK SLIP ASSOCIATES LLC,**  
a New York limited liability company

By: PMF Properties LLC,  
a New York limited liability company,  
its manager

By: \_\_\_\_\_  
Name: Howard P. Milstein  
Title: Manager



Sworn to and subscribed before me  
this 7 day of June, 2018.

Kelli Knight  
NOTARY PUBLIC

(Notarial Seal/Stamp)

Kelli Knight  
No. 01KN6157992  
Commission Expires 3/10/2019 ©

**SIGNATURE RIDER TO**  
**AFFIDAVIT IN LIEU OF**  
**AFFIDVIT OF COMPLIANCE WITH SMOKE DETECTOR AFFIDAVIT**

**GRANTEE:**

**250 SEAPORT DISTRICT, LLC,**  
a Delaware limited liability company

By: 

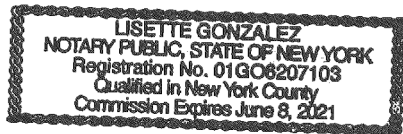
Name: *David R. Weinreb*

Title: *Chief Executive Officer*

Sworn to and subscribed before me  
this 7 day of June, 2018.

  
NOTARY PUBLIC

(Notarial Seal/Stamp)





The City of New York  
Department of Environmental Protection  
Bureau of Customer Services  
59-17 Junction Boulevard  
Flushing, NY 11373-5108

## Customer Registration Form for Water and Sewer Billing

### Property and Owner Information:

- (1) Property receiving service: BOROUGH: MANHATTAN BLOCK: 98 LOT: 1
- (2) Property Address: 304 PEARL STREET, NEW YORK, NY 10038
- (3) Owner's Name: 250 SEAPORT DISTRICT, LLC
- Additional Name:

### Affirmation:



Your water & sewer bills will be sent to the property address shown above.

### Customer Billing Information:

#### Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, **at the property address or to an alternate mailing address**. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit [www.nyc.gov/dep](http://www.nyc.gov/dep) to provide us with the other party's information.

### Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

Signature: see attached <sup>(u)</sup> Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:

**SIGNATURE RIDER TO**  
**CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING**

**GRANTEE:**

**250 SEAPORT DISTRICT, LLC,**  
a Delaware limited liability company



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

Name: *David R. Weinreb*

Title: *Chief Executive Officer*

FOR CITY USE ONLY

C1. County Code  C2. Date Deed Recorded  /  /   
 Month Day Year

C3. Book  OR C4. Page   
 C5. CRFN



## REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK  
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

## PROPERTY INFORMATION

1. Property Location  304  PEARL STREET  MANHATTAN  10038  
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name  250 SEAPORT DISTRICT, LLC   
 LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address        
 LAST NAME / COMPANY FIRST NAME

4. Indicate the number of Assessment Roll parcels transferred on the deed  1  # of Parcels OR ☐ Part of a Parcel

5. Deed Property Size  FRONT FEET  X  DEPTH OR  ACRES

6. Seller Name  PECK SLIP ASSOCIATES LLC   
 LAST NAME / COMPANY FIRST NAME

7. Check the box below which most accurately describes the use of the property at the time of sale:

A ☐ One Family Residential C ☐ Residential Vacant Land E ☐ Commercial G ☐ Entertainment / Amusement I ☐ Industrial  
 B ☐ 2 or 3 Family Residential D ☒ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

4A. Planning Board Approval - N/A for NYC

4B. Agricultural District Notice - N/A for NYC

Check the boxes below as they apply:

6. Ownership Type is Condominium ☐7. New Construction on Vacant Land ☐

## SALE INFORMATION

10. Sale Contract Date  6 /  8 /  2018  
 Month Day Year

11. Date of Sale / Transfer  6 /  8 /  2018  
 Month Day Year

12. Full Sale Price \$  1  8  2  7  2  2  5  0  0  
 ( Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations. ) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale

14. Check one or more of these conditions as applicable to transfer:

A ☐ Sale Between Relatives or Former Relatives  
 B ☐ Sale Between Related Companies or Partners in Business  
 C ☐ One of the Buyers is also a Seller  
 D ☐ Buyer or Seller is Government Agency or Lending Institution  
 E ☐ Deed Type not Warranty or Bargain and Sale ( Specify Below )  
 F ☐ Sale of Fractional or Less than Fee Interest ( Specify Below )  
 G ☐ Significant Change in Property Between Taxable Status and Sale Dates  
 H ☐ Sale of Business is Included in Sale Price  
 I ☐ Other Unusual Factors Affecting Sale Price ( Specify Below )  
 J ☒ None

## ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class  G  6  16. Total Assessed Value (of all parcels in transfer)  6  8  8  5  0  0  0

17. Borough, Block and Lot / Roll Identifier(s) ( If more than three, attach sheet with additional Identifier(s) )  
 MANHATTAN 98 1

201806070013520104

**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER			BUYER'S ATTORNEY	
see attached <sup>u</sup>				
C/O: HOWARD HUGHES CORPORATION ONE GALLERIA TOWER, 13355 NOEL ROAD, 22ND FL.				
DALLAS				
TX				
75240				
SELLER				
see attached <sup>u</sup>				

2018060700135201

**SIGNATURE RIDER TO**  
**NEW YORK CITY REAL PROPERTY TRANSFER REPORT (RP-5217NYC)**

**SELLER:**

**PECK SLIP ASSOCIATES LLC,**  
a New York limited liability company

By: PMF Properties LLC,  
a New York limited liability company,  
its manager

By: \_\_\_\_\_  
Name: Howard P. Milstein  
Title: Manager

Sworn to and subscribed before me  
this 7 day of June, 2018.

\_\_\_\_\_  
NOTARY PUBLIC


(Notarial Seal/Stamp)



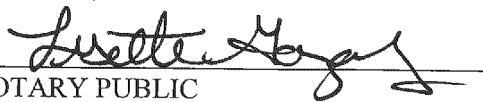
**SIGNATURE RIDER TO**  
**NEW YORK CITY REAL PROPERTY TRANSFER REPORT (RP-5217NYC)**

**BUYER:**

**250 SEAPORT DISTRICT, LLC,**  
a Delaware limited liability company

By:   
Name: *David R. Weinreb*  
Title: *Chief Executive Officer*

Sworn to and subscribed before me  
this 7 day of June, 2018.

  
NOTARY PUBLIC

(Notarial Seal/Stamp)





## **OPERATING AGREEMENT OF 250 SEAPORT DISTRICT, LLC**

**THIS OPERATING AGREEMENT** (this “Agreement”) of 250 Seaport District, LLC, a Delaware limited liability company (the “Company”), is entered into as of June 5, 2018 by The Howard Research And Development Corporation, a Maryland corporation (the “Sole Member”).

### **EXPLANATORY STATEMENT**

The Sole Member has agreed to organize and operate a limited liability company in accordance with the terms of, and subject to the conditions set forth in, this Agreement.

### **ARTICLE I** **DEFINED TERMS**

The following capitalized terms shall have the meanings specified in this Article I.

“Agreement” means this Agreement, as amended from time to time.

“Cash Flow” means all cash funds derived from the operations of the Company (including interest received on reserves), without reduction for any non-cash charges, but less cash funds used to pay current operating expenses, including, without limitation, the payment or establishment of reasonable reserves for future expenses, debt payments (including repayment of any Member loans, pursuant to Section 3.2 of this Agreement), capital improvements and replacements as determined by the Members. Cash Flow shall be increased by the reduction of any reserve previously established.

“Certificate of Formation” means the Certificate of Formation of the Company, as the same is amended from time to time.

“Code” means the Internal Revenue Code of 1986, as amended, or any corresponding provision of any succeeding law.

“Company” means the limited liability company organized in accordance with this Agreement.

“DLLCA” means the Delaware limited liability Company Act, as amended.

“Interest” means a Person’s share of the Profits and Losses of, and the right to receive distributions from, the Company.

“Interest Holder” means any Person who holds an Interest, whether as a Member or as an unadmitted assignee of a Member.

“Member” means each Person signing this Agreement and any Person who subsequently is admitted as a Member of the Company.

“Membership Rights” means all of the rights of a Member in the Company, including a Member’s: (i) Interest; (ii) right to inspect the Company’s books and records; (iii) right to participate in the management of and vote on matters coming before the Company; and (iv) unless

this Agreement or the Certificate of Formation provide to the contrary, right to act as an agent of the Company.

“Notice” has the meaning described in Section 10.1 of this Agreement.

“Officers” has the meaning described in Section 5.2 of this Agreement.

“Person” means and includes an individual, corporation, partnership, association, limited liability company, trust, estate, or other entity.

“Profit” and “Loss” means, for each taxable year of the Company (or other period for which Profit or Loss must be computed) the Company’s taxable income or loss determined in accordance with the Code and the Regulations.

“Regulations” means the income tax regulations, including any temporary regulations, from time to time promulgated under the Code.

“Sole Member” means The Howard Research And Development Corporation, a Maryland corporation.

## **ARTICLE II** **ORGANIZATION**

2.1 Organization of the Company. The Company was formed as a limited liability company under the DLLCA by the filing of the Certificate of Formation with the Delaware Secretary of State on June 5, 2018. The rights and liabilities of the Members, except as expressly stated herein, shall be provided in the DLLCA.

2.2 Purpose. The purpose of the Company is to carry on any activity that may be lawfully carried on by a limited liability company organized under the DLLCA.

2.3 Term. The existence of the Company as a separate legal entity shall continue until cancellation of the Certificate of Formation as provided in the DLLCA.

2.4 Name of the Company. The name of the Company shall be “250 Seaport District, LLC”. The Company may do business under that name and under any other name or names upon which the Members may, in their sole discretion, determine. If the Company does business under a name other than that set forth in its Certificate of Formation, then the Company shall file a trade name certificate as required by law.

2.5 Principal Office. The principal office of the Company is c/o The Howard Hughes Corporation, One Galleria Tower, 13355 Noel Road, 22<sup>nd</sup> Floor, Dallas, Texas 75240, or at any other place which the Members may determine.

2.6 Registered Agent. The Company shall at all times maintain a registered agent and a registered office in Delaware as provided by the DLLCA. The name and address of the registered agent of the Company are listed on the Certificate of Formation.

2.7 Sole Member. The name, present mailing address, and percentage of Membership Rights and Interest in the Company of the Sole Member is: The Howard Research And

Development Corporation, c/o The Howard Hughes Corporation, One Galleria Tower, 13355 Noel Road, 22<sup>nd</sup> Floor, Dallas, Texas 75240; 100%.

### **ARTICLE III**

#### **CONTRIBUTIONS AND CAPITAL ACCOUNTS**

3.1 Initial Capital Contribution. The Sole Member has contributed to the Company the amount set forth opposite its name on Exhibit A attached hereto, as may be amended from time to time.

3.2 Additional Capital Contributions; Loans. The Members may, at any time, make or cause additional capital contribution(s) or loan(s) to be made to the Company in any amount and on those terms upon which the Company and the Members agree.

### **ARTICLE IV**

#### **PROFIT, LOSS, AND DISTRIBUTIONS**

4.1 Distributions of Cash Flow. Cash Flow of the Company shall be distributed to the Members in such amounts and at such times as determined by the Members, in their sole discretion.

4.2 Allocation of Profit or Loss. All Profit or Loss shall be allocated to the Members.

4.3 Liquidation and Distribution. If the Company is liquidated, the assets of the Company shall be distributed to the Members.

### **ARTICLE V**

#### **MANAGEMENT; MEMBERS**

5.1 Management. The Company shall be managed by the Members.

5.2 Officers.

(a) Election and Term of Office. The officers of the Company (the “Officers”) shall be elected by the Members and shall be a Chief Executive Officer, a President, a Chief Financial Officer, a Vice President (which includes any Executive Vice President, Senior Vice President or any variation thereof for all purposes of this Agreement), a Secretary and a Treasurer. The Members also may appoint a Chairman, additional Vice Presidents, one or more Assistant Secretaries and Assistant Treasurers, and such other Officers as it shall deem necessary or desirable; provided, however, that the initial Officers are listed on Exhibit B of this Agreement and such Persons are deemed to have been elected to the offices set forth opposite their respective names thereon without any action by the Sole Member. The Officers of the Company shall hold office until their successors are elected and qualified, or until they resign or are removed. Each Officer shall perform such duties as may be prescribed by the Members or specified in this Agreement.

(b) Duties of the Chief Executive Officer. The Chief Executive Officer shall be responsible for formulating general policies and programs for the Company for submission to the Members and for carrying out the programs and policies approved by the Members. He or she shall have the power to sign and deliver on behalf of the Company all documents and agreements.

(c) Duties of the President. The President shall be the chief operating officer of the Company and shall be responsible for the administration and operation of the business and affairs of the Company. The President shall perform such other duties and have such other powers as the Chief Executive Officer or the Members may from time to time prescribe. In the absence or disability of the Chief Executive Officer, the President shall perform the duties and exercise all the powers of the Chief Executive Officer, and shall be subject to all the restrictions upon the Chief Executive Officer. He or she shall have the power to sign and deliver on behalf of the Company all documents and agreements.

(d) Duties of the Chief Financial Officer. The Chief Financial Officer will: (i) have active control of and will be responsible for all matters pertaining to the accounts of the Company and its subsidiaries; (ii) supervise the auditing of all payrolls and vouchers of the Company and its subsidiaries and will direct the manner of certifying the subsidiaries and all other documents relating to such payments; (iii) receive, audit and consolidate all operating financial statements of the Company, its various departments, divisions and subsidiaries, their arrangement and classification; (iv) keep a full and accurate account of all funds received and paid on account of the Company; and (v) render a statement of his or her accounts whenever the Members, Chief Executive Officer or President will require. The Chief Financial Officer shall perform such other duties as may be prescribed by the Members, the Chief Executive Officer or the President, under whose supervision he or she shall serve. He or she shall have the power to sign and deliver on behalf of the Company all documents and agreements.

(e) Duties of the Vice President. In the absence of the President or in the event of his or her inability or refusal to act, the Vice President (or in the event there be more than one Vice President, the Vice Presidents in the order designated by the Members, or in the absence of any designation, then in the order of their election) shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. The Vice President shall perform such other duties as may be prescribed by the Members, the Chief Executive Officer or the President, under whose supervision he or she shall serve. He or she shall have the power to sign and deliver on behalf of the Company all documents and agreements.

(f) Duties of the Secretary. The Secretary shall attend all meetings of the Members and record all the proceedings of the meetings of the Members in a book to be kept for that purpose. The Secretary shall give or cause to be given notice of all meetings of the Members and shall perform such other duties as may be prescribed by the Members from time to time. He or she shall have the power to sign and deliver on behalf of the Company all documents and agreements.

(g) Duties of the Treasurer. The Treasurer shall have the custody of the funds and securities of the Company and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Company and shall deposit all moneys and other valuable effects in the name and to the credit of the Company in such depositories as may be designated by the Members. The Treasurer shall disburse the funds of the Company as may be ordered by the Members, taking proper vouchers for such disbursements, and shall render to the President and the Members, at its regular meetings, or when the Members so require, an account of all of his or her transactions as Treasurer and of the financial condition of the Company. The Treasurer shall perform, in general, all the duties incident to the office of the Treasurer and such other duties as

may be prescribed by the Members from time to time. If required by the Members, the Treasurer shall give the Company a bond in such sum and with such surety or sureties as shall be satisfactory to the Members for the faithful performance of the duties of the Office of the Treasurer and for the restoration to the Members, in case of his or her death, resignation, retirement or removal from office, of all books, papers, vouchers, money and other property of whatever kind in his or her possession or under his or her control belonging to the Company. He or she shall have the power to sign and deliver on behalf of the Company all documents and agreements.

(h) Compensation. No Officer shall receive compensation for his or her services to the Company in such capacity.

(i) Resignations. Any Officer may resign at any time by giving written notice to the Members.

(j) Removal. Any Officer may be removed, with or without cause, at any time by the Members.

## **ARTICLE VI**

### **LIMITATION ON LIABILITY AND INDEMNIFICATION**

6.1 Limitation on Liability. To the fullest extent permitted by law, no Member or Officer shall be liable to the Company or any other Member for any act or omission in connection with the management of the business or affairs of the Company unless such act or omission was taken or made in bad faith or constitutes gross negligence or willful misconduct.

6.2 Indemnification of Members and Officers. The Company shall, to the fullest extent permitted by law, indemnify and hold harmless each Member and Officer against any losses, judgments, liabilities or expenses incurred in settling any claim or incurred in any finally adjudicated legal proceeding, including reasonable attorneys' fees and costs of removing any liens affecting property of the indemnitee, and/or amounts paid in settlement of any claims sustained by it arising from or relating to the Company; provided, that the same were not the result of (a) actions or omissions of such Member or Officer taken or made in bad faith or which constitute gross negligence or willful misconduct or (b) actions or claims instituted by such Member or Officer (other than claims or actions seeking to enforce the indemnification obligations hereunder).

6.3 Payment of Expenses in Advance. Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the Company in advance of the final disposition of such action, suit or proceeding, as authorized by the Members in the specific case, upon receipt of an undertaking by a Member or Officer, as the case may be, to repay such amount unless it shall ultimately be determined that such Member or Officer is entitled to be indemnified by the Company.

6.4 Provisions Not Exclusive. The indemnification provided by this Article VI shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any statute, agreement, vote of Members or otherwise, both as to action in an official capacity and as to action in another capacity while holding such office.

6.5 Insurance. The Company shall have the power to purchase and maintain insurance on behalf of the Members and/or Officers against any liability asserted against them or incurred by them in such capacity or capacities or arising out of their status as such, whether or not the Company would have the power to indemnify them against such liability under the provisions of this Article VI.

6.6 Continuation. The provisions of this Article VI shall continue as to a Person who has ceased to be a Member or Officer as to claims arising out of activities related to its prior capacity and shall inure to the benefit of its successors and obligors. The provisions of this Article VI also shall survive the liquidation, dissolution and termination of the Company and the termination of this Agreement and shall, to the fullest extent permitted by law, be binding on the Company's successors and assigns.

6.7 Notice of Indemnification and/or Advancement of Expenses. If the Company has indemnified and/or advanced any expenses to any Person pursuant to this Article VI, the Company shall, within 30 days of such indemnification or advancement or sooner as required by the DLLCA, provide the Members with written notice thereof.

## **ARTICLE VII**

### **BOOKS, RECORDS, ACCOUNTING, AND TAX ELECTIONS**

7.1 Bank Account. All funds of the Company shall be deposited in a bank account or accounts opened in the Company's name. The Members shall determine the institution or institutions at which the accounts will be opened and maintained, the types of accounts, and the Persons who will have authority with respect to the accounts and the funds therein.

7.2 Books and Records. The Members shall keep or cause to be kept complete and accurate books and records of the Company and supporting documentation of the transactions with respect to the conduct of the Company's business. The books and records shall be maintained in accordance with sound accounting principles and practices.

7.3 Annual Accounting Period. The annual accounting period of the Company shall be its taxable year. The Company's taxable year shall be selected by the Members, subject to the requirements and limitations of the Code.

7.4 Tax Characterization. At all times during which the Company has only one (1) Member, the Company shall, for federal and state income tax purposes, be disregarded as a separate entity such that all the assets and liabilities of the Company shall be treated as the assets and liabilities of its Sole Member. At all times during which the Company has two or more Members, the Company shall, for federal and state income tax purposes, be classified as a partnership rather than an association taxable as a corporation. Accordingly, all references in this Agreement to sections in Subtitle K of the Code shall only apply where the Company is classified as a partnership for federal and state income tax purposes, and shall have no effect when the Company is disregarded as a separate entity. Each Member, by its execution or acceptance of this Agreement, covenants and agrees that it will file its own federal and state income and other tax returns in a manner that is consistent with tax classification of the Company as a disregarded entity or partnership, as applicable, and will not take any action which is inconsistent with such classification.

**ARTICLE VIII**  
**DISSOLUTION AND TERMINATION, FINAL ACCOUNTING AND DISTRIBUTIONS**

8.1 Dissolution and Termination of the Company.

(a) The term of the Company shall end, and the Company shall be immediately dissolved, upon the occurrence of any of the following:

(i) The termination of the legal existence of the last remaining Member of the Company or the occurrence of any other event which terminates the continued membership of the last remaining Member of the Company in the Company unless the Company is continued without dissolution in a manner permitted by this Agreement or the Act;

(ii) the sale of all or substantially all assets of the Company;

(iii) the decision of the holders of a majority of the Interests to dissolve;

or

(iv) a decree of judicial dissolution under Section 18-802 of the DLLCA.

(b) Upon the occurrence of any event that causes the last remaining Member of the Company to cease to be a Member of the Company (other than upon an assignment by such Member of its entire limited liability company interest and the admission of the transferee as a Member pursuant to the terms of this Agreement), to the fullest extent permitted by law, the personal representative of such Member is hereby authorized to, and shall, within 90 days after the occurrence of the event that terminated the continued membership of such Member in the Company, agree in writing (i) to continue the Company and (ii) to the admission of the personal representative or its nominee or designee, as the case may be, as a substitute Member of the Company with the rights (and only the rights) of such Member, effective as of the occurrence of the event that terminated the continued membership of the last remaining Member in the Company.

(c) Upon the dissolution of the Company, no further business shall be conducted by the Company except the taking of action necessary for the winding up of the affairs of the Company and the liquidation and distribution of its assets. Actions taken by the Company to effectuate or facilitate the orderly winding up of the Company's affairs shall not be construed to involve a continuation of the business.

**ARTICLE IX**  
**SPECIAL PURPOSE ENTITY**

9.1 Covenants. The Company shall at all times observe the applicable legal requirements for the recognition of the Company as a legal entity separate from any Interest Holder or Affiliates of the Company, including, without limitation, as follows:

(a) The Company shall either (A) maintain its principal executive office and telephone and facsimile numbers separate from that of any Affiliate or of any Interest Holder and shall conspicuously identify such office and numbers as its own, or (B) shall allocate by written agreement fairly and reasonably any rent, overhead and expenses for shared office space.

Additionally, the Company shall use its own separate stationery, invoices and checks which reflects its name, address, telephone number and facsimile number.

(b) the Company shall maintain correct and complete financial statements, accounts, books and records and other entity documents separate from those of any Affiliate or any Interest Holder or any other person or entity. The Company shall prepare unaudited quarterly and annual financial statements, and its financial statements shall substantially comply with generally accepted accounting principles;

(c) the Company shall maintain its own separate bank accounts, payroll and correct, complete and separate books of account;

(d) the Company shall file or cause to be filed its own separate tax returns, if required to file tax returns;

(e) the Company shall hold itself out to the public (including any of its Affiliates' creditors) under its own name and as a separate and distinct entity and not as a department, division or otherwise of any Affiliate or any Interest Holder;

(f) the Company shall observe all customary formalities regarding the existence of the Company, including holding meetings and maintaining current and accurate entity record books separate from those of any Affiliate or any Interest Holder;

(g) the Company shall hold title to its assets in its own name and act solely in its own name and through its own duly authorized officers and agents. No Affiliate or Interest Holder shall be appointed or act as its agent (except that, with respect to the Company, an Affiliate or Interest Holder may serve as a property manager with respect to any property owned by the Company);

(h) investments shall be made in the name of the Company directly by the Company or on its behalf by brokers engaged and paid by it;

(i) the Company shall not guarantee, pledge or assume or hold itself out or permit itself to be held out as having guaranteed, pledged or assumed any liabilities or obligations of any Interest Holder or any Affiliate of the Company;

(j) the Company was solvent as of the date of its formation and remains solvent as of the date hereof, and will not make any distribution or dividend if doing so would cause it not to be solvent;

(k) assets of the Company shall be separately identified, maintained and segregated. The Company's assets shall at all times be held by or on behalf of the Company and, if held on behalf of the Company by another entity, shall at all times be kept identifiable (in accordance with customary usages) as assets owned by the Company. This restriction requires, among other things, that (A) the Company funds shall be deposited or invested in the Company's name, (B) the Company funds shall not be commingled with the funds of any Affiliate or any Interest Holder, (C) the Company shall maintain all accounts in its own name and with its own tax identification number, separate from those of any Affiliate or any Interest Holder, and (D) the Company funds shall be used only for business of the Company;



(l) the Company shall maintain its assets in such a manner that it is not costly or difficult to segregate, ascertain or identify its individual assets from those of any Affiliate or any Interest Holder;

(m) the Company shall pay or cause to be paid its own liabilities and expenses of any kind, including but not limited to salaries of its employees, only out of its own separate funds and assets;

(n) the Company shall at all times be adequately capitalized to engage in the transactions contemplated at its formation, and will not make any distribution or dividend if doing so would cause it not to be adequately capitalized;

(o) the Company shall not do any act which would make it impossible to carry on the ordinary business of the Company;

(p) all data and records (including computer records) used by the Company or any Affiliate in the collection and administration of any loan shall reflect its ownership interest therein;

(q) None of the Company's funds shall be invested in securities issued by, nor shall it acquire the indebtedness or obligation of, any Affiliate or any Interest Holder;

(r) The Company shall maintain an arm's length relationship with each of its Affiliates and Interest Holders, and may enter into contracts or transact business with its Affiliates or Interest Holders only on commercially reasonable terms that are no less favorable to the Company than is obtainable in the market from a person or entity that is not an Affiliate or Interest Holder; and

(s) the Company shall correct any misunderstanding that is known to the Company regarding its name or separate identity.

## **ARTICLE X**

### **GENERAL PROVISIONS**

10.1 Notifications. Any notice, demand, consent, election, offer, approval, request, or other communication (collectively, a "Notice") required or permitted under this Agreement must be in writing and either delivered personally or sent by certified or registered mail, postage prepaid, return receipt requested. A Notice must be addressed to an Interest Holder at the Interest Holder's last known address on the records of the Company. A Notice to the Company must be addressed to the Company's registered office. A Notice delivered personally will be deemed given only when acknowledged in writing by the person to whom it is delivered. A Notice that is sent by mail will be deemed given three (3) business days after it is mailed. Any party may designate, by Notice to all of the others, substitute addresses or addressees for Notices; and, thereafter, Notices are to be directed to those substitute addresses or addressees.

10.2 Complete Agreement. This Agreement constitutes the complete and exclusive statement of this Agreement. Except as expressly provided otherwise herein, this Agreement may not be amended without the written consent of Members holding a majority of the Interests.

10.3 Applicable Law. All questions concerning the construction, validity, and interpretation of this Agreement and the performance of the obligations imposed by this Agreement shall be governed by the internal law, not the law of conflicts, of the State of Delaware.

10.4 Section Titles. The headings herein are inserted as a matter of convenience only, and do not define, limit, or describe the scope of this Agreement or the intent of the provisions hereof.

10.5 Binding Provisions. This Agreement is binding upon, and inures to the benefit of, the Members and their successors in interest.

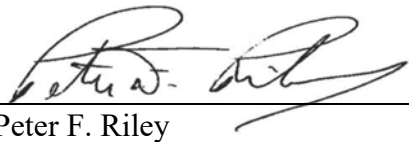
10.6 Terms. Common nouns and pronouns shall be deemed to refer to the masculine, feminine, neuter, singular and plural, as the identity of the Person may in the context require.

10.7 Separate Provisions. Each provision of this Agreement shall be considered separable; and if, for any reason, any provision or provisions herein are determined to be invalid and contrary to any existing or future law, such invalidity shall not impair the operation of or affect those portions of this Agreement which are valid.

IN WITNESS WHEREOF, the Sole Member has executed, or caused this Agreement to be executed as of the date set forth hereinabove.

**SOLE MEMBER:**

THE HOWARD RESEARCH AND DEVELOPMENT  
CORPORATION, a Maryland corporation

By: \_\_\_\_\_  
Peter F. Riley  
Secretary

**EXHIBIT A**

**INITIAL CAPITAL CONTRIBUTION**

<b><u>Name and Address of Member</u></b>	<b><u>Capital Contribution</u></b>	<b><u>Membership Interest</u></b>
The Howard Research And Development Corporation	\$1,000.00	100%

## **EXHIBIT B**

### **OFFICERS**

<b><u>Name</u></b>	<b><u>Office</u></b>
David R. Weinreb	Chief Executive Officer
Grant Herlitz	President
David O'Reilly	Chief Financial Officer
Peter Riley	Secretary
Reuben Davidsohn	Chief Administrative Officer
Saul Scherl	Vice President
Sarah Vasquez	Vice President
Michael Slosser	Vice President

## **ATTACHMENT B**

### **SECTION II: PROJECT DESCRIPTION**

## **ATTACHMENT B**

### **SECTION II: PROJECT DESCRIPTION**

#### *Item 4 – Project Description*

##### **Overall Development Project Description**

The site is occupied by a 400-vehicle-capacity commercial parking lot and is improved with a parking attendant kiosk and temporary storage shed. The purpose of the project is to develop a contaminated parcel of land, while implementing remedial measures that are protective of human health and the environment. The proposed redevelopment is in the early planning stages, but the project will likely be a mixed-use residential and commercial development, and may include affordable housing.

The scope of a site investigation will be detailed in a Remedial Investigation Work Plan (RIWP), which will be implemented to supplement existing data and determine the nature and extent of soil, groundwater and soil vapor impacts from historical site use; the investigation would also reveal the extent (if any) to which any of the on-site contamination may have originated from neighboring uses. The findings of the investigation will be documented in a Remedial Investigation Report (RIR) and future remediation plans to address the identified impacts will be detailed in a Remedial Action Work Plan (RAWP), which will be implemented concurrently with the contemplated development. The RIWP and RAWP will be prepared and submitted in accordance with New York State Department of Environmental Conservation (NYSDEC) guidelines.

## Estimated Project Schedule

The remedial program is anticipated to start in January 2019 and a Certificate of Completion is anticipated in February 2022. The future project schedule is included with this attachment.

<u>Estimated Project Schedule</u>		2018		2019												2020												2021													
		NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	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	NOV	DEC		
Item	Action																																								
1	Design, Investigation and Permitting																																								
2	Remedy Implementation																																								
3	Preparation of an FER and SMP																																								
4	NYSDEC & NYSDOH Review of FER and SMP																																								
5	NYSDEC Issues COC																																								

**Notes:**

- a) This is an estimated schedule; actions and duration are subject to change.
- b) Completion of Item 1 refers to the completion of the overall construction design, investigation and permitting.
- c) Completion of Item 2 refers to the completion of remediation and not the end of overall construction.
- d) NYSDEC = New York State Department of Environmental Conservation
- e) FER = Final Engineering Report
- f) SMP = Site Management Plan
- g) COC = Certificate of Completion



## **ATTACHMENT C**

### **SECTION III: PROPERTY'S ENVIRONMENTAL HISTORY**

## **ATTACHMENT C**

### **SECTION III: PROPERTY'S ENVIRONMENTAL HISTORY**

#### Item 1 – Reports

Environmental reports prepared for the site are summarized below and include the following:

- *Phase I Environmental Site Assessment, dated September 2015, prepared by Langan*
- *Phase II Environmental Site Investigation Report, dated November 2015, prepared by Langan*
- *Phase I Environmental Site Assessment, dated June 2018, prepared by Langan*

The June 2018 Phase I Environmental Site Assessment (ESA) is included in this attachment. The September 2015 Phase I ESA and November 2015 Phase II Environmental Site Investigation (ESI) are included in the appendices of the June 2018 Phase I ESA.

#### **Phase I Environmental Site Assessment, dated September 2015, prepared by Langan**

Langan prepared a Phase I ESA in accordance with the ASTM E-1527-13 standards. The report was prepared for Peck Slip Associates, LLC, the previous owner of the site. The following RECs were identified:

- Historical use of the site as a factory, an oil company, a printer, a metal works, , a chemicals and glue company, a chemical company, a trucking company, a thermometer company, a garage with two 550-gallon underground storage tanks (USTs), a machine shop, and a gasoline service station.
- The presence of historic fill at the Site.
- Historical use of adjoining and surrounding properties as a metals works, an "oils" facility, trucking companies, a garage, a machine shop, a printer, a substation, an automobile repair facility, and facilities with petroleum bulk storage.

#### **Phase II Environmental Site Investigation Report, dated November 2015, prepared by Langan**

The Phase II ESI was conducted to investigate the findings of the September 2015 Phase I ESA prepared by Langan. The Phase II ESI included a geophysical survey, installation of 10 soil borings and collection of 21 soil samples, installation and sampling of 5 temporary groundwater monitoring wells, and installation and sampling of 5 temporary soil vapor points. The following observations were made during the November 2015 Phase II ESI:

- Potential USTs – The geophysical survey identified an anomaly consistent with a UST inside the eastern boundary of the site along Peck Slip.
- Soil
  - *Soil Characteristics* – Soil borings were advanced to depths ranging from 8 to 28 feet below grade surface (bgs). Beneath the asphalt cap, historic fill material was observed within each soil boring to depths of about 6 to 14.5 bgs. The historic fill typically comprised loose grey brown fine to medium sand with varying proportions of silt, gravel, brick, concrete, wood and ash. Native soil consisting of sands with varying proportions of gravel and silt underlies the historic fill material. Bedrock was not encountered.
  - *Petroleum-Impacted Soil* – Visual, olfactory, instrumental and analytical evidence of petroleum impacts was observed in four borings (SB3, SB8, SB9, and SB10) on the eastern portion of the site. Multiple volatile organic compounds (VOCs) and semivolatile organic compounds (SVOCs) were detected at concentrations above the New York State Department of Environmental Conservation (NYSDEC) Part 375 Unrestricted Use (UU) and Restricted Use Restricted Residential (RRU) Soil Cleanup Objective (SCOs) in two of the borings (SB8 and SB9) on the southeastern portion of the site.
  - *Historic Fill* – Multiple SVOCs and metals typically found in New York City historic fill were identified at concentrations above the UU SCOs in soil samples collected from the historic fill layer across the site and RRU SCOs in soil samples collected from the historic fill layer from four boring (SB4, SB6, SB8, and SB9).
  - *Mercury Concentrations in Soil* – Mercury was identified at concentrations of up to 120 mg/kg in soil on the site. Mercury concentrations in 10 of 21 samples were identified exceeding Part 375 UU SCOs and 6 of the 21 samples were identified exceeding Part 375 RRU SCOs. Previous historical on-site uses identified in the Phase I ESA included a thermometer company.
- Groundwater
  - Groundwater was encountered at depths ranging from about 7 feet bgs in the southern portion of the site to about 14 feet bgs in the northern portion of the site. Inferred groundwater flow is to the southeast towards the East River.
  - *Petroleum-Impacted Groundwater* – Petroleum-related VOCs and SVOCs were identified in groundwater at concentrations exceeding NYSDEC Division of Water Technical and Operation Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGVs) for Class GA (drinking water) in

the eastern and northwestern portions of the site. A petroleum-like odor and sheen were observed in purge water from two monitoring wells (TMW03 and TMW08).

- *Metals* – Antimony, barium, chromium, copper, iron, lead, magnesium, manganese, mercury, nickel and sodium were detected in total concentrations exceeding TOGS Class GA SGV. Dissolved antimony, iron, magnesium, manganese, and sodium were detected in filtered samples at concentrations exceeding TOGS Class GA SGVs. These metals are likely related to brackish groundwater conditions. The mercury in soil does not appear to be impacting groundwater.
- Soil Vapor
  - Soil vapor sampling results indicate the presence of several VOCs, including chlorinated solvents and petroleum-related compounds, above the range of ambient air concentrations. When the detected concentrations of trichloroethene (TCE) are applied to the NYSDOH decision matrices, recommended actions range from “no further action” to “mitigate”.
- Petroleum Spill – Based on field observations and analytical results from soil and groundwater samples, a spill was reported to the NYSDEC on October 13, 2015, and Spill No. 1507371 was assigned.

### **Phase I Environmental Site Assessment, dated September 2018, prepared by Langan**

Langan prepared a Phase I ESA for the site in accordance with the ASTM E-1527-13 standards.

The following RECs were identified:

#### Hazardous Substances and Petroleum on the Site

Langan’s November 2015 Phase II ESI identified the following:

- A petroleum release in the eastern portion of the site
- Mercury above regulatory criteria in soil
- Chlorinated solvents and petroleum-related compounds in soil vapor

Petroleum, mercury and chlorinated solvent impacts may relate to historical use of the site and/or adjoining properties. Mercury impacts may also relate to historic fill.

The Phase II ESI was limited in scope and it is possible that additional areas and types of impacts may be identified during any future testing programs or site redevelopment.

## Item 2 – Sampling Data

Known contaminants at the site were identified during the November 2015 Phase II ESI. Previous environmental reports including available laboratory analytical reports are included in this attachment at Appendix F of the November 2015 Phase II ESI.

Analytes detected above applicable regulatory standards for each media tested during the November 2015 Phase II ESI are summarized below:

### **Soil**

Soil sample results were compared to the NYSDEC Part 375 UU and RURR SCOs. Analytes detected above the UU SCOs are summarized below with those above RURR SCOs shown in **bold**.

VOCs – **1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene**, acetone, **benzene, ethylbenzene**, n-butylbenzene, **n-propylbenzene, naphthalene, toluene**, trans-1,2-dichloroethene, **total xylenes**

SVOCs – 3-methylphenol/4-methylphenol, **benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene**, dibenzofuran, **indeno(1,2,3-cd)pyrene**, naphthalene, and phenol

PCBs – **Total PCBs**

Metals – **arsenic, barium, copper, lead, mercury**, nickel, selenium, silver, and zinc

### **Groundwater**

Groundwater sample results were compared to the TOGS Class GA SGVs. Analytes detected above the TOGS Class GA SGVs are summarized below.

VOCs – 1,2,4,5-tetramethylbenzene, 1,2,4-trimethylbenzene, 1,3,5-Trimethylbenzene, benzene, ethylbenzene, isopropylbenzene, n-butylbenzene, n-propylbenzene, naphthalene, o-xylene, p-isopropyltoluene, p/m-xylene, sec-butylbenzene, and toluene

SVOCs – biphenyl, phenol, acenaphthene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, chrysene, naphthalene, and phenanthrene

*Total Metals* – antimony, barium, chromium, copper, iron, lead, magnesium, manganese, nickel, and sodium

*Dissolved Metals* – antimony, barium, iron, magnesium, manganese, and sodium

### **Soil Vapor**

Total VOCs ranged from 339 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) in SV01 to about 5,353  $\mu\text{g}/\text{m}^3$  in SV05.

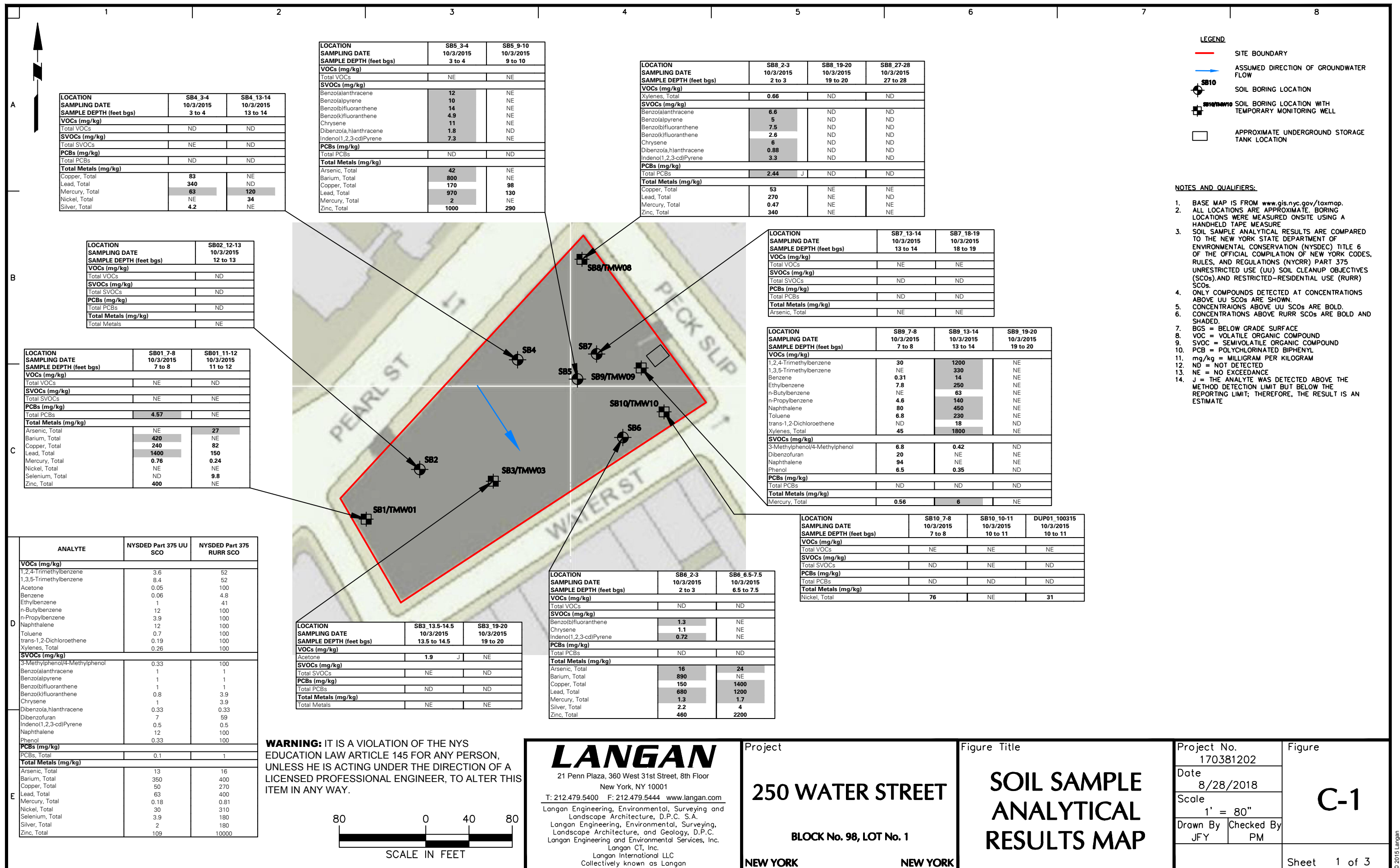
TCE was detected in one soil vapor sample above minimum concentrations at which “no further action” to “mitigate” is recommended when applied to the NYSDOH Soil Vapor/Indoor Air Decision Matrices.

BTEX concentrations ranged from 96.32  $\mu\text{g}/\text{m}^3$  in soil vapor sample SV01\_100315 to 212.7  $\mu\text{g}/\text{m}^3$  in soil vapor sample SV05\_100315.

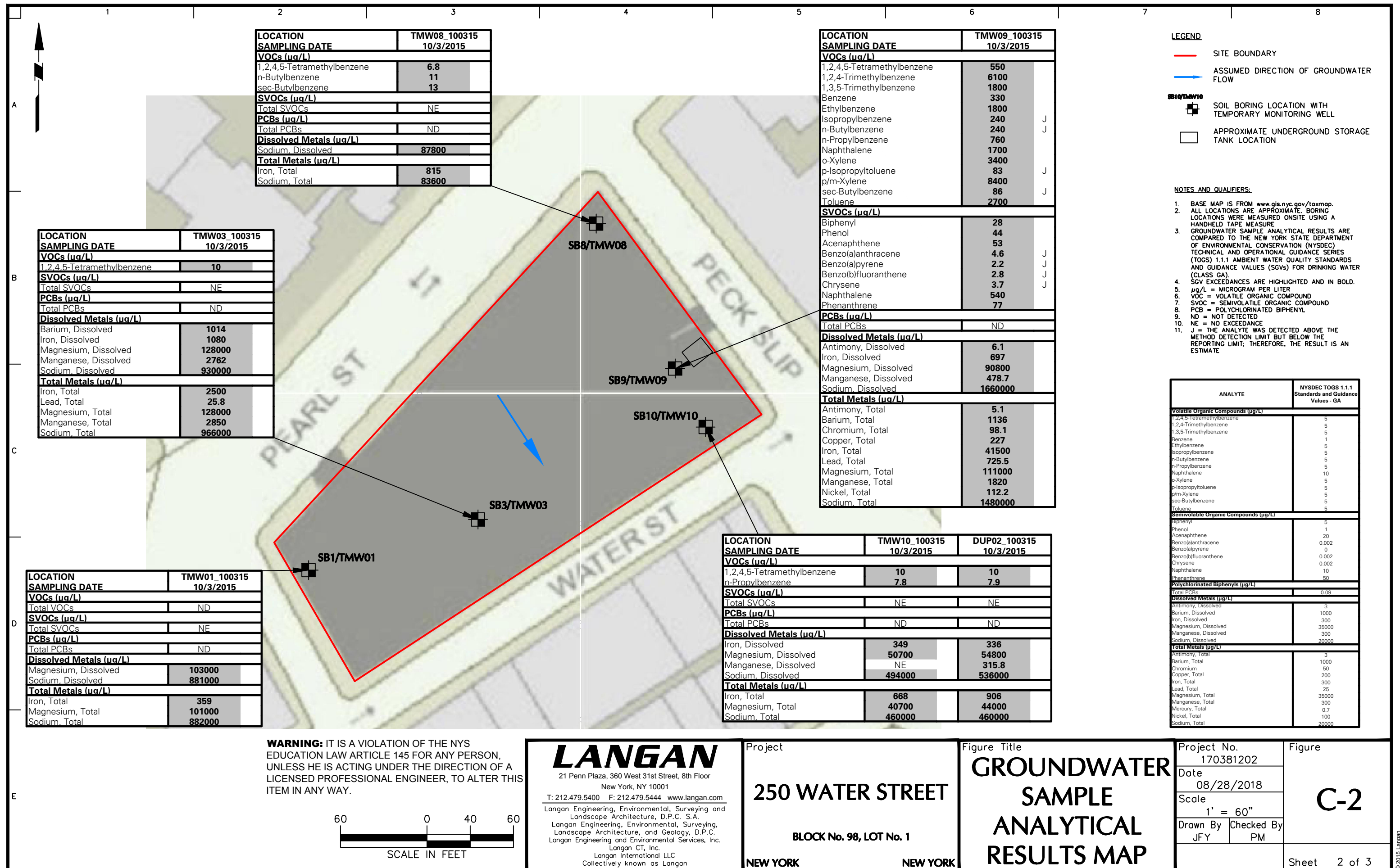
### **Item 3 – Site Drawings**

The following figures summarize the detected concentrations of each contaminant by media type:

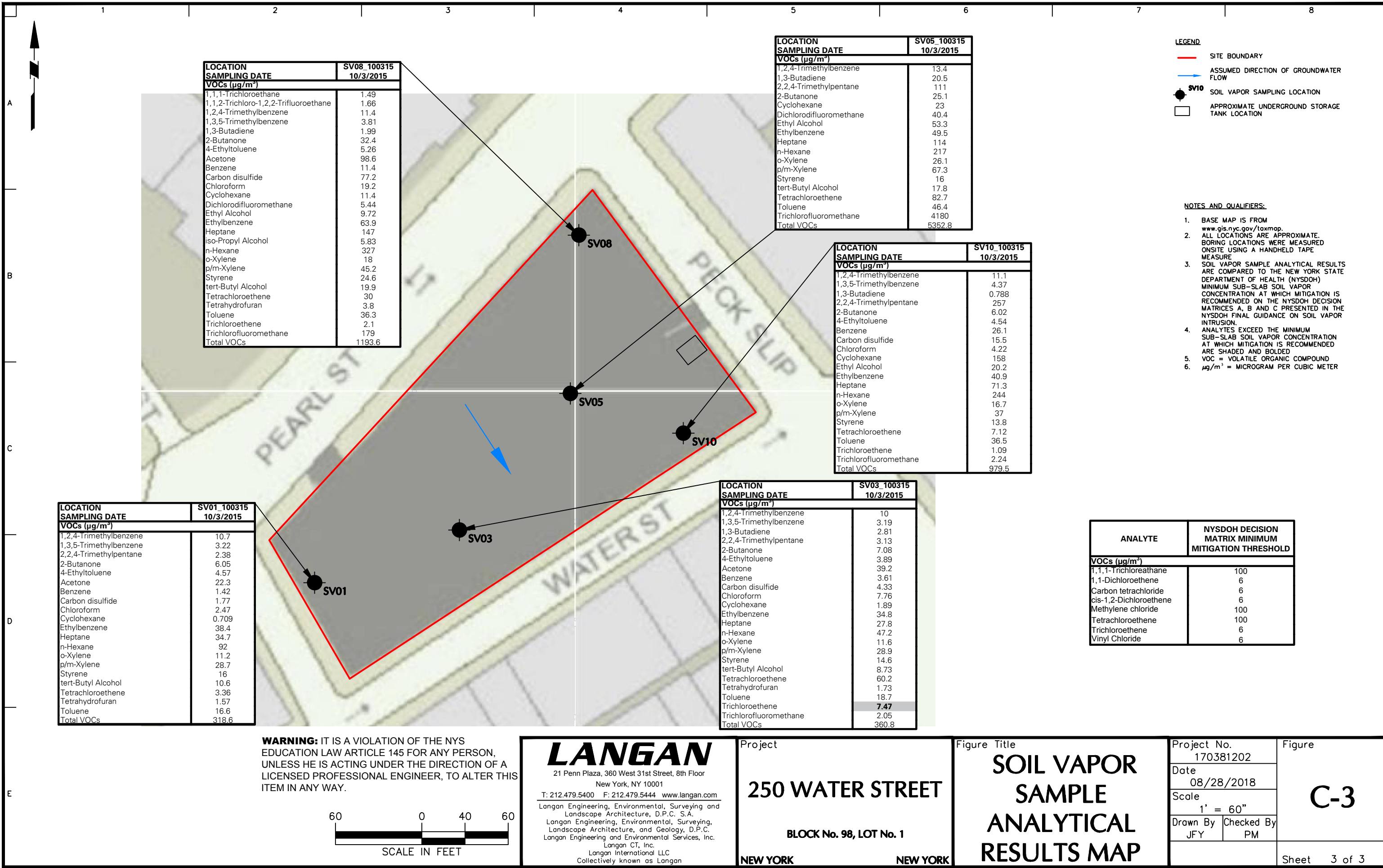
- Figure C-1: Soil Sample Analytical Results Map
- Figure C-2: Groundwater Sample Analytical Results Map
- Figure C-3: Soil Vapor Sample Analytical Results Map











## **ATTACHMENT D**

### **SECTION IV: PROPERTY INFORMATION**

## **ATTACHMENT D**

### **SECTION IV: PROPERTY INFORMATION**

#### *Item 2 – Property Maps*

Figure D-1 provides the Manhattan Borough Tax Map.

Figure D-2 is the required United States Geological Survey (USGS) 7.5-minute quadrangle map showing the location of the site.

Figure D-3 provides a site base map that shows map scale, north arrow orientation, and 1000-foot radius around the site.

Figure D-4 provides a site base map that shows i) proposed brownfield site boundary lines, with adjacent property owners clearly identified; and ii) surrounding land uses.

#### *Item 10 - Property Description and Environmental Assessment Narrative*

##### *Location*

The 47,880-square-foot (1.1-acre) proposed brownfield site is located at 250 Water Street in the Financial District neighborhood of New York, New York, and is identified as Manhattan Tax Block 98, Lot 1. The site is bound by Pearl Street followed by a multiple-story residential buildings with first floor parking garage to the north, Peck Slip followed by Peck Slip School P.S. 343 to the east, Water Street followed by Blue School Elementary School and multiple-story residential and commercial buildings to the south, and Beekman Street followed by multiple-story residential and commercial building to the west. The site is at about elevation 10 feet (North American Vertical Datum of 1988 [NAVD88]) and the surrounding area general slopes down toward the East River, which is located about 500 feet southeast of the site.

##### *Site Features*

The site is located in an urban area that is generally covered with roads, walkways and buildings. The site is currently an asphalt paved, open-air commercial parking lot. The parking lot has a 400-vehicle capacity and is improved with a parking attendant kiosk and temporary storage shed near the center of the lot. The perimeter of the site is fenced with one automated barrier gate along Pearl Street.

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

The proposed brownfield site is located in a C6-2A commercial district. The C6-2A district is mapped within the Special Lower Manhattan Special Purpose District. The adjoining parcels and surrounding area are used for commercial, residential and institutional purposes.

### *Historical Site Use*

Historical operations at the proposed brownfield site include a factory, an oil company, a printer, a metal works, a chemicals and glue company, a chemical company, a trucking company, a thermometer company, a garage with two 550-gallon underground storage tanks (UST), a machine shop, and a gasoline service station.

### *Site Geology and Hydrogeology*

According to Langan's November 2015 Phase II Environmental Site Investigation Report, the subsurface strata beneath the proposed brownfield site consists of fill material generally characterized by loose, grey and brown, fine to medium sand with varying proportions of silt, gravel, brick, concrete, wood and ash, extending to depths of about 6 to 14.5 feet below grade surface (bgs). The fill material is underlain by native soil generally consisting of sands with varying amounts of gravel and silt. According to the USGS Bedrock and Engineering Geologic Maps of New York County and Parts of Kings and Queens Counties, New York, and parts of Bergen and Hudson Counties, New Jersey, dated 1994, bedrock underlying the property is Manhattan Schist, which is described as a grey sillimanite-muscovite-tourmaline schist.

According to the November 2015 Phase II ESI, groundwater was encountered at depths ranging from about 7 to 14 feet bgs. Groundwater is inferred to flow to the southeast towards the East River.

### *Environmental Assessment*

The primary contaminants of concern are volatile organic compounds (VOC), semivolatile organic compounds (SVOC), polychlorinated biphenyls (PCB), and metals in soil, VOCs and SVOCs in groundwater, and VOCs in soil vapor.

Soil sample results were compared to the Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (6 NYCRR) New York State Department of Environmental Conservation (NYSDEC) Part 375 Unrestricted Use (UU) and Restricted Use – Restricted Residential (RURR) Soil Cleanup Objectives (SCO). Analytes detected above the UU SCOs are listed below with those above the RURR SCOs shown in bold. Groundwater sample results were compared to the NYSDEC TOGS SGVs for Class GA water, and analytes detected above the regulatory criteria are also summarized below. Soil vapor sample results were evaluated using the NYSDOH Guidance for Evaluating Soil Vapor Intrusion in New York State Soil Vapor/Indoor Air Decision Matrices dated October 2006 and updated May 2017.

Soil –

- The geophysical survey identified an anomaly consistent with a UST inside the eastern boundary of the site.
- Visual, olfactory, and/or instrumental evidence of petroleum impacts was observed between 7 to 26 feet bgs in 4 of soil borings (SB03, SB08, SB09 and SB10) on the eastern portion of the site.
- Eleven VOCs: 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, acetone, benzene, ethylbenzene, n-butylbenzene, n-propylbenzene, naphthalene, toluene, trans-1,2-dichloroethene, and total xylenes were identified above Part 375 UU SCOs. Eight of the VOCs: 1,2,4-trimethylbenzene (max. 1,200 milligrams per kilogram [mg/kg]), 1,3,5-trimethylbenzene (max. 330 mg/kg), benzene (max. 14 mg/kg), ethylbenzene (max. 250 mg/kg), n-propylbenzene (max. 140 mg/kg), naphthalene (max. 450 mg/kg), toluene (max. 230 mg/kg), and total xylenes (max. 1,800 mg/kg) were identified above RURR SCOs. The highest VOC concentrations were detected in samples collected from the eastern portion of the site, near the suspected UST.
- Eleven SVOCs: 3-methylphenol/4-methylphenol, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, dibenzofuran, indeno(1,2,3-cd)pyrene, naphthalene, and phenol were identified above Part 375 UU SCOs. Seven of the SVOCs: benzo(a)anthracene (max. 12 mg/kg), benzo(a)pyrene (max. 10 mg/kg), benzo(b)fluoranthene (max. 14 mg/kg), benzo(k)fluoranthene (max. 4.9 mg/kg), chrysene (max. 11 mg/kg), dibenzo(a,h)anthracene (max. 1.8 mg/kg), and indeno(1,2,3-cd)pyrene (max. 7.3 mg/kg) were identified above RURR SCOs. The highest SVOC concentrations were detected in samples collected from the historic fill layer in the eastern portion of the site.
- Total PCBs (max. 4.57 mg/kg) were detected at concentrations above UU and RURR SCOs in samples collected near the western and eastern boundaries of the site.
- Nine Metals: arsenic, barium, copper, lead, mercury, nickel, selenium, silver, and zinc, were detected at concentrations above UU SCOs in soil samples collected from across the site footprint in historic fill and native soil. Five of the metals: arsenic (max. 42 mg/kg), barium (max. 890 mg/kg), copper (max. 1,400 mg/kg), lead (max. 1,400 mg/kg), and mercury (max. 120 mg/kg), were identified above RURR SCOs. The highest mercury concentration was observed in the footprint of the historical thermometer factory.

#### Groundwater –

- Fourteen VOCs: 1,2,4,5-tetramethylbenzene (max. 550 µg/L), 1,2,4-trimethylbenzene (max. 6100 µg/L), 1,3,5-trimethylbenzene (max. 1,800 µg/L), Benzene (max. 330 µg/L),

ethylbenzene (max. 1,800 µg/L), isopropylbenzene (max. 240 µg/L), n-butylbenzene (max. 240 µg/L), n-propylbenzene (max. 760 µg/L), naphthalene (max. 1,700 µg/L), o-xylene (max. 3,400 µg/L), p-isopropyltoluene (max. 83 µg/L), p/m-xylene (max. 8,400 µg/L), sec-butylbenzene (max. 86 µg/L), and toluene (max. 2,700 µg/L) were detected above the New York State Department of Environmental Conservation (NYSDEC) Division of Water Technical and Operation Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGVs) for Class GA (drinking water). The highest VOC concentrations were detected in samples collected from the eastern portion of the site, near the suspected UST.

- Fourteen SVOCs: biphenyl (max. 28 µg/L), phenol (max. 44 µg/L), acenaphthene (max. 53 µg/L), benzo(a)anthracene (max. 4.6 µg/L), benzo(a)pyrene (max. 2.2 µg/L), benzo(b)fluoranthene (max. 2.8 µg/L), chrysene (max. 3.7 µg/L), naphthalene (max. 540 µg/L), and phenanthrene (max. 77 µg/L), were detected above the NYSDEC TOGS SGVs for Class GA. The highest SVOC concentrations were detected in samples collected from the eastern portion of the site, near the suspected UST.

Soil Vapor – Petroleum-related VOCs and chlorinated VOCs were detected in soil vapor samples collected site-wide at concentrations above those detected in the ambient air sample. Although not a direct comparison standard, PCE (max. 82.7 micrograms per cubic meter [µg/m<sup>3</sup>]) and TCE (max. 7.47 µg/m<sup>3</sup>) were detected in soil vapor at concentrations above their respective AGVs.





LEGEND:

APPROXIMATE SITE BOUNDARY

50

TAX BLOCK NUMBER

TAX LOT BOUNDARY

50

TAX LOT NUMBER

- NOTES:
- 1. BASEMAP ACCESSED FROM GIS.NYC.GOV/TAXMAP ON AUGUST 29, 2018.
  - 2. THE SITE IS LOCATED IN THE BOROUGH OF MANHATTAN BLOCK 98, LOT 1 .

2000100200

SCALE IN FEET

**WARNING:** IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.

**LANGAN**

21 Penn Plaza, 360 West 31st Street, 8th Floor  
New York, NY 10001  
T: 212.479.5400 F: 212.479.5444 www.langan.com

Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. S.A.  
Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.  
Langan Engineering and Environmental Services, Inc.  
Langan CT, Inc.  
Langan International LLC  
Collectively known as Langan

Project

250 WATER STREET

BLOCK No. 98, LOT No. 1

NEW YORKNEW YORK

Figure Title

TAX MAP

Project No.  
170381202

Date  
8/29/2018

Scale  
1' = 200"

Drawn By  
JFY

Checked By  
PM

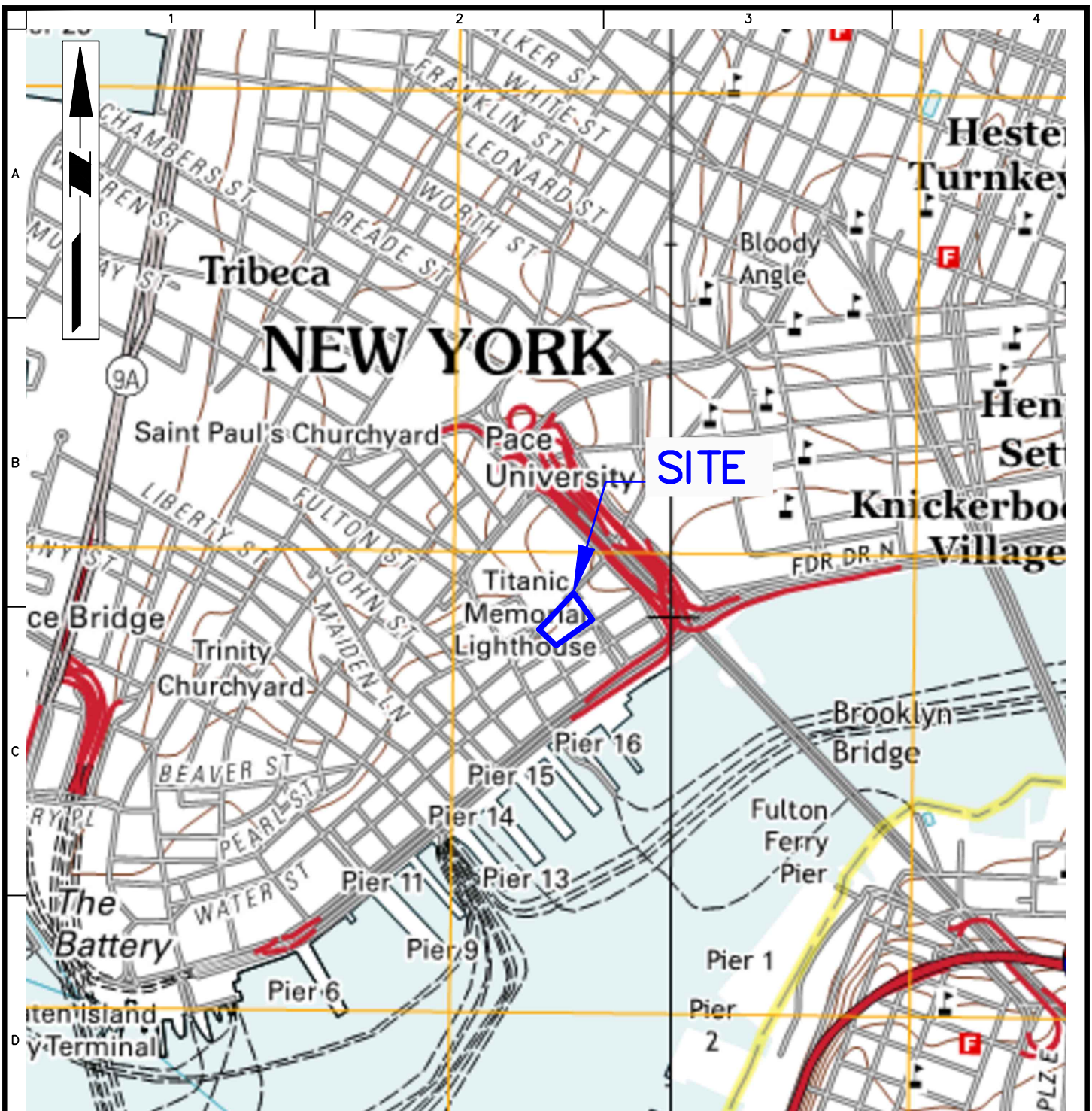
Figure

D-1

Sheet 1 of 4

© 2015 Langan





BASEMAP SOURCE: UNITED STATES GEOLOGICAL SURVEY 7.5 MINUTE TOPOGRAPHIC MAPS FOR THE CENTRAL PARK QUADRANGLE, DATED 2016.

— APPROXIMATE SITE BOUNDARY

**LANGAN**

21 Penn Plaza, 360 West 31st Street, 8th Floor  
New York, NY 10001

T: 212.479.5400 F: 212.479.5444 www.langan.com  
Langan Engineering, Environmental, Surveying and  
Landscape Architecture, D.P.C. S.A.  
Langan Engineering, Environmental, Surveying and  
Landscape Architecture, D.P.C.  
Langan Engineering and Environmental Services, Inc.  
Langan CT, Inc.  
Langan International LLC  
Collectively known as Langan

Project

**250 WATER STREET**  
BLOCK 98, LOT 1

NEW YORK

NEW YORK

Figure Title

**SITE LOCATION  
MAP**

Project No.

170381202

Date

08/29/2018

Scale

N.T.S.

Drawn By

JFY

Checked By

PM

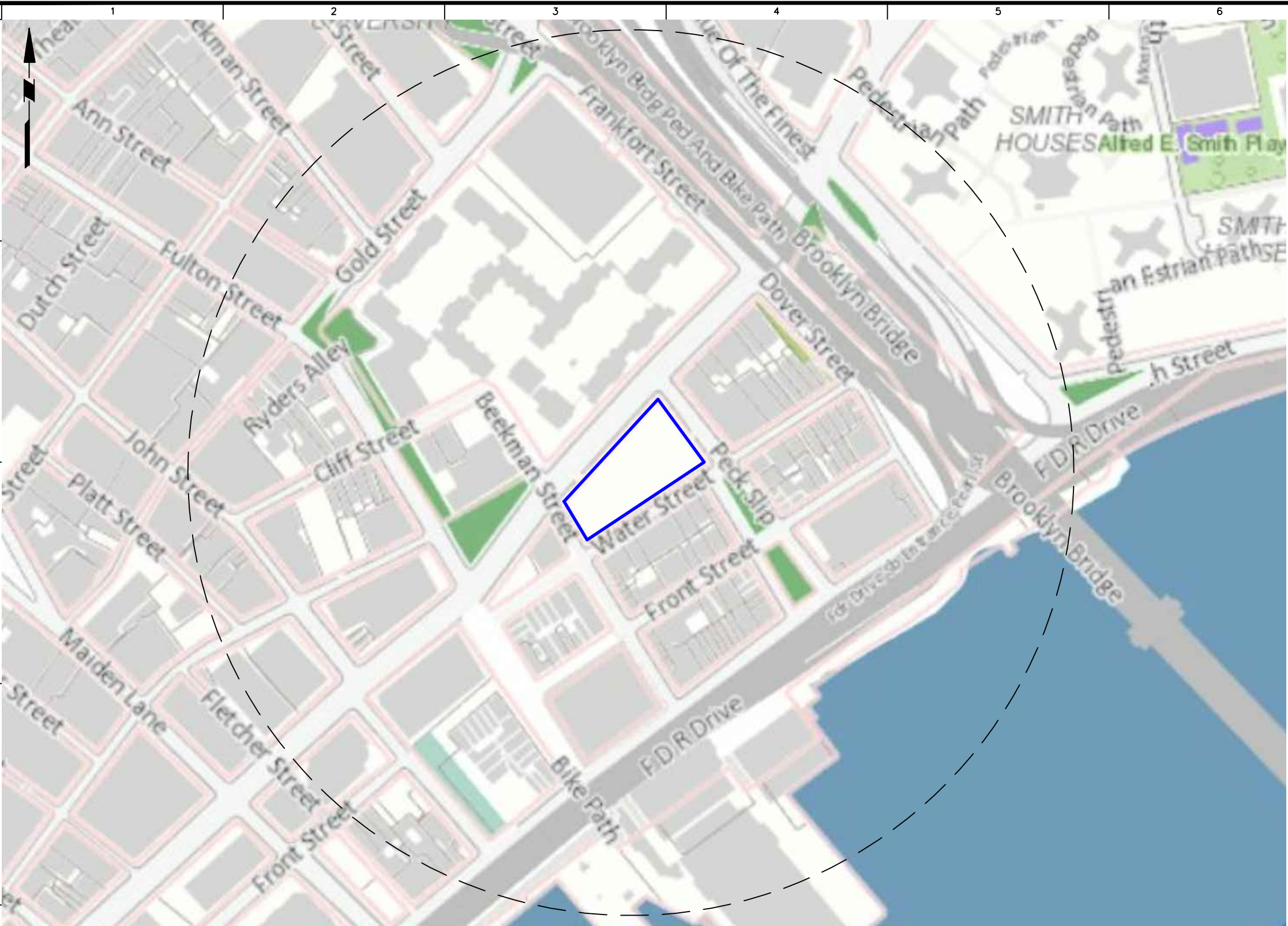
—

Figure No.

**D-2**

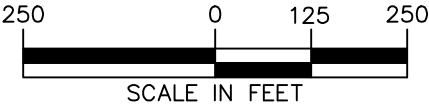
Page 2 of 4





- LEGEND:
- APPROXIMATE SITE BOUNDARY
  - 1000-FOOT RADIUS

- NOTES:
- BASEMAP ACCESSED FROM [WWW.OASISNYC.NET/MAPS](http://WWW.OASISNYC.NET/MAPS) ON JUNE 12, 2018.



**WARNING:** IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.

**LANGAN**  
21 Penn Plaza, 360 West 31st Street, 8th Floor  
New York, NY 10001  
T: 212.479.5400 F: 212.479.5444 [www.langan.com](http://www.langan.com)  
Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. S.A.  
Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.  
Langan Engineering and Environmental Services, Inc.  
Langan CT, Inc.  
Langan International LLC  
Collectively known as Langan

Project

**250 WATER STREET**

**BLOCK No. 98, LOT No. 1**

**NEW YORK** **NEW YORK**

Figure Title

**SITE AND 1000  
FOOT RADIUS  
MAP**

Project No.  
170381202

Date  
8/29/2018

Scale  
1' = 80"

Drawn By  
JFY

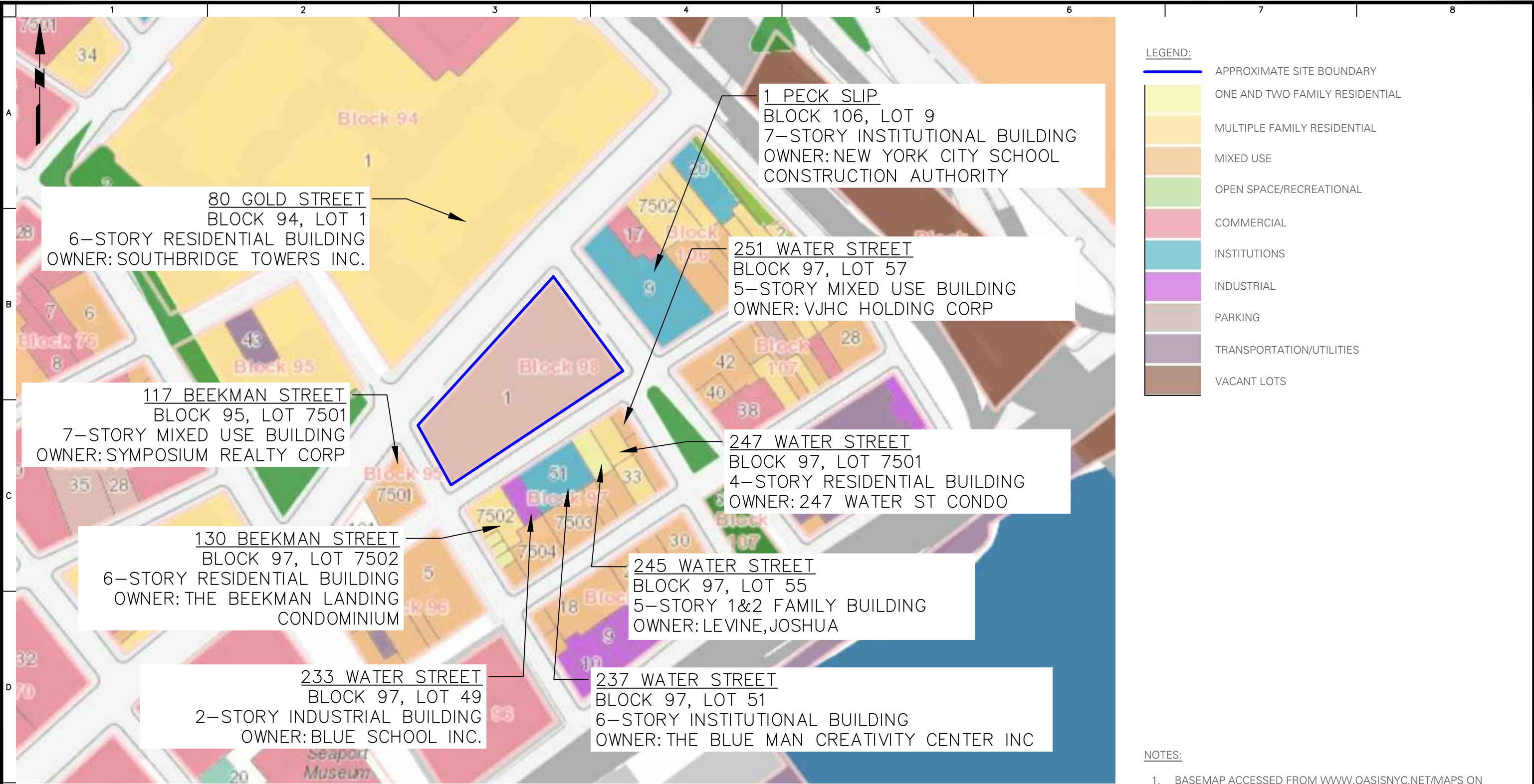
Checked By  
PM

Figure

**D-3**

Sheet 3 of 4





- LEGEND:
- APPROXIMATE SITE BOUNDARY
  - ONE AND TWO FAMILY RESIDENTIAL
  - MULTIPLE FAMILY RESIDENTIAL
  - MIXED USE
  - OPEN SPACE/RECREATIONAL
  - COMMERCIAL
  - INSTITUTIONS
  - INDUSTRIAL
  - PARKING
  - TRANSPORTATION/UTILITIES
  - VACANT LOTS

NOTES:

1. BASEMAP ACCESSED FROM [WWW.OASISNYC.NET/MAPS](http://WWW.OASISNYC.NET/MAPS) ON AUGUST 29, 2018.

150075150

SCALE IN FEET

**WARNING:** IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.

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Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.  
Langan Engineering and Environmental Services, Inc.  
Langan CT, Inc.  
Langan International LLC  
Collectively known as Langan

Project

**250 WATER STREET**

BLOCK No. 98, LOT No. 1

NEW YORKNEW YORK

Figure Title

**SITE AND ADJACENT PROPERTY LAND USE MAP**

Project No.  
170381202

Date  
8/29/2018

Scale  
1' = 150"

Drawn By  
JFY

Checked By  
PM

Figure

**D-4**

Sheet 4 of 4

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## **ATTACHMENT E**

### **SECTION VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

## **ATTACHMENT E**

### **SECTION VI: PRIOR OWNER AND OPERATOR INFORMATION**

#### **Ownership Records**

The requestor, 250 Seaport District, LLC, is the current owner of the site.

Ownership records for the site were researched on the Automated City Register Information System (ACRIS) website. Not all prior deed records could be obtained via ACRIS; however, available ownership information is summarized below.

Previous owners of the property include:

<b>Date</b>	<b>Document Type</b>	<b>Address of First Party</b>	<b>First Party</b>	<b>Relationship to Applicant</b>	<b>Second Party</b>	<b>Relationship to Applicant</b>
6/8/2018	DEED	335 Madison Avenue New York, NY	Peck Slip Associates	Seller	250 Seaport District, LLC	Applicant
9/6/1979	DEED	666 Fifth Avenue New York, NY	Ampal Properties Corp	None	Peck Slip Associates	Seller
6/13/1973	DEED	666 Fifth Avenue New York, NY	Selno Corp	None	Ampal Properties Corp	None
6/13/1973	DEED	666 Fifth Avenue New York, NY	Ampal Properties Corp	None	Selno Corp	None
12/1/1972	LEASE	666 Fifth Avenue New York, NY	Ampal Properties Corp	None	Hertz Corp	None
5/11/1972	DEED	666 Fifth Avenue New York, NY	Selno Corp	None	Ampal Properties Corp P	None
9/16/1969	DEED	400 Madison Avenue New York, NY	Godron & Sedrian	None	Selno CORP	None
8/4/1969	DEED	15 Park Row New York, NY	Peck-Water St Assoc	None	Morse, William H	None
9/30/1966	LEASE	15 Park Row New York, NY	Peck-Water St Assoc	None	Hertz Corp	None

Reference: New York City Department of Finance Automated City Register Information System (ACRIS) website:  
<https://a836-acris.nyc.gov/DS/DocumentSearch/Index>.

Current and former telephone numbers of the previous property owners are not available.

### **Site Operators**

The current operator of the site is LAZ Parking. There is no relationship between the requestor's corporate members and any of the previously known owners or operators.

Current and previous operators of the property include:

<b>Name</b>	<b>Relationship to Property</b>	<b>Last Known Contact Information</b>	<b>Relationship to Applicant</b>
<b>Lot 57</b>			
LAZ Parking	Operator (Unknown – Present)	333 W 39th St. Suite 602 New York, NY 10018 Tel: (212) 967-4875	None
Hertz Corp.	Operator (1966-Unknown)	111 Eighth Avenue New York, NY, 10011 Tel: 1 (800) 654-4173	None

The site was first developed as early as 1894 with residences and light industrial uses including a factory, an oil company, a printer, a metal works, a chemicals and glue company, a chemical company, a trucking company, a thermometer company, a garage with two 550-gallon underground storage tanks, a machine shop, and a gasoline service station. Around 1940, many of these structures were demolished and by 1950 the majority of the site was used for parking. By 2001, all buildings on the site were demolished and the site was used as an open air parking lot.

Operator information not available for most time periods.

## **ATTACHMENT F**

### **SECTION VII: REQUESTOR ELIGIBILITY INFORMATION**

## **ATTACHMENT F**

### **SECTIONS VII AND VIII: REQUESTOR AND PROPERTY ELIGIBILITY INFORMATION**

Pursuant to ECL § 27-1405(1), 250 Seaport District LLC, is properly designated as a Volunteer because any liability arose solely from purchasing the properties. The Requestor purchased the property in June 2018.

## **ATTACHMENT G**

### **SECTION IX: CONTACT LIST INFORMATION**



## **ATTACHMENT G**

### **SECTION IX: CONTACT LIST INFORMATION**

#### **Item 1 Response**

##### **Chief Executive Officer**

Mayor Bill de Blasio  
City Hall  
260 Broadway Avenue  
New York, New York 10007

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

Marisa Lago  
Department of City Planning  
22 Reade Street  
New York, NY 10007-1216

##### **Borough of Manhattan, Borough President**

Gale A. Brewer  
1 Centre Street, 19th Floor  
New York, NY 10007

##### **Borough of Manhattan, Department of Planning and Development**

Marisa Lago  
120 Broadway, 30th Floor  
New York, New York 10271

#### **Item 2 Response**

##### **Residents, owners, and occupants of the site:**

250 Water Street

The site is owned by 250 Seaport District, LLC with a mailing address of:

199 Water Street, 28th Floor  
New York, NY 10038

The site is improved with an open-air parking lot that is operated by LAZ Parking with a mailing address of:

333 W 39th St. Suite 602  
New York, NY 10018

**Adjacent properties include:**

Residential Buildings  
80 Gold Street  
New York, NY 10030

**Owner: Southbridge Towers Inc**  
**Address not available**

Residential/Commercial Building  
250 Water Street  
New York, NY 10038

**Owner: VJHC Holdings Corp**  
**6 Bowery, 6<sup>th</sup> Floor**  
**New York, NY 10013**

Residential Building  
247 Water Street  
New York, NY 10038

**Owner: 247 Water St Condominium**

Industrial Building  
237 Water Street  
New York, NY 10038

**Owner: Blue School Inc**  
**241 Water Street**  
**New York, NY 10038**

Residential/Commercial Building  
117 Beekman Street  
New York, NY 10038

**Owner: Symposium Realty Corp.**  
**600 Court Avenue**  
**New York, NY 10022**

Institutional Building (School)  
1 Peck Slip  
New York, NY 10038

**Owner: New York City School**  
**Construction Authority**  
**30-30 Thomson Avenue**  
**Queens, NY 11101**

Residential Building  
245 Water Street  
New York, NY 10038

**Owner: Levine, Joshua**

Institutional Building (School)  
237 Water Street  
New York, NY 10038

**Owner: The Blue Man Creativity Center Inc**  
**241 Water Street**  
**New York, NY 10038**

Residential Building  
130 Beekman Street  
New York, NY 10038

**Owner: The Beekman Landing**  
**Condominium**

**Item 3 Response**

**Local news media from which the community typically obtains information:**

Local newspaper  
The Chief-Leader  
277 Broadway Suite 1506  
New York, NY 10007

Local television  
WPIX 11 New York  
220 East 42nd Street  
New York, N.Y. 10017

**Item 4 Response**

**The public water supplier which services the area in which the property is located:**

The responsibility for supplying water in New York City is shared between the NYC Department of Environmental Protection (NYCDEP), the Municipal Water Finance Authority, and the New York City Water Board:

NYCDEP  
Vincent Sapienza, Commissioner  
59-17 Junction Boulevard  
Flushing, NY 11373

New York City Municipal Water Finance Authority  
255 Greenwich Street, 6<sup>th</sup> Floor  
New York, NY 10007

New York City Department of Environmental Protection  
Bureau of Environmental Planning and Analysis  
59-17 Junction Boulevard, 11<sup>th</sup> Floor  
Flushing, NY 11373

**Item 5 Response**

**Any person who has requested to be placed on the contact list:**

We are unaware of any requests for inclusion on the contact list.

**Item 6 Response**

**The administrator of any school or day care facility located on or near the site:**

There are no schools or day care facilities located on the site. The following are schools or day care facilities located within a ½-mile radius of the site:

The Peck Slip School (approximately 30 feet northeast of the site)

**Administrator: Maggie Siena**

1 Peck Slip  
New York, NY 10038  
(212) 346-5210

Blue School (approximately 30 feet south of the site)

**Administrator: Gina Farrar**

241 Water St,  
New York, NY 10038  
(212) 228-6341

Murry Bergtraum High School For Business Careers (approximately 1,150 feet north of the site)

**Administrator: Naima J. Cook**

411 Pearl St  
New York, NY 10038  
(212) 866-5400

Downtown Little School (approximately 1,300 feet northwest of site)

**Administrator: Not Identified**

15 Dutch St  
New York, NY 10038  
(212) 791-1300

New York City Housing Authority's Smith Day Care Center (approximately 1,500 east of site)

**Administrator: Not Identified**

10 Catherine Slip  
New York, NY 10038  
(212) 427-8542

Hamilton-Madison House (approximately 1,700 feet northeast of the site)

**Administrator: Anthony Giorgio**

50 Madison St  
New York, NY 10038  
(212) 349-3724

Paradigm Kids (approximately 1,700 feet west of site)

**Administrator: Not Identified**

8 Liberty Pl,  
New York, NY 10045  
(917) 475-1119

Bright Horizons at 20 Pine (approximately 1,700 feet west of site)

**Administrator: Jessica Trujillo**

Plaza Entrance, 20 Pine St 1st floor  
New York, NY 10005  
(212) 509-1580

Jacob August Riis P.S. 126 (approximately 1,800 feet northeast of the site)

**Administrator: Carlos Romero**

80 Catherine Street,  
New York, NY, 10038  
(212) 962-2188

Alfred E Smith P.S. 001 (approximately 2,000 feet northeast of the site)

**Administrator: Amy Hom**

8 Henry Street  
New York, NY 10038  
(212) 267-4133

Mei Wah Day Care Center (approximately 2,100 feet northeast of site)

**Administrator: Pastor Luke**

69 Madison St  
New York, NY 10002  
(212) 349-2703

High School of Economics & Finance (approximately 2,500 feet northwest of the site)

**Administrator: Michael Stanzione**

100 Trinity Place  
New York, NY 10006  
(212) 346-0708

Leadership and Public Service High School (approximately 2,500 feet northwest of the site)

**Administrator: Philip Santos**

90 Trinity Place  
New York, NY 10006

(212) 346-0007  
Preschool of America (approximately 2,600 feet east of site)

**Administrator: Cathy Makropoulos**

25 Market St  
New York, NY 10002  
(212) 577-2710

**Item 7 Response**

**The location of the document repository for the project (e.g. local library):**

New York Public Library - Chatham Square Branch  
33 E Broadway  
New York, NY, 10002  
(212) 964-6598

A letter from the library acknowledging that it agrees to act as a document repository for the project is included in this attachment.

**Item 8 Response**

The local community board is Manhattan Community Board No. 7.

**Manhattan Community Board No. 1**

Anthony Notaro, Jr., Chairperson  
1 Centre Street Rm. 2202  
New York, NY 10007  
(212) 669-7070

A letter from the community board acknowledging that it agrees to act as a document repository for the project is included in this attachment.

September 20, 2018

Anthony Notaro, Jr., Chairperson  
1 Centre Street Rm. 2202  
New York, NY 10007  
212-669-7070

**RE: Brownfield Cleanup Program Application  
250 Seaport District, LLC  
250 Water Street  
NY, NY 10038**

Dear Mr. Notaro:

We represent 250 Seaport District, LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced site. The NYSDEC requests that a letter certifying that a local public institution is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. The documents will be pertinent to public interest and citizen participation in the BCP process for the site. We estimate that the total documents generated by the project will comprise five to ten compact disks over a 2-year period. Please sign below and return if you are able to certify that your community board would be willing and able to act as the temporary public repository for this BCP project.

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



Mimi S. Raygorodetsky  
Senior Associate/Vice President

Yes, the Manhattan Community Board 1 is willing to act as a document repository on behalf of 250 Seaport District, LLC in their cleanup of 250 Water Street under the NYSDEC BCP.

  
\_\_\_\_\_  
(Name)

**Chair, Manhattan Community Board 1**  
\_\_\_\_\_  
(Title)

**October 5, 2018**  
\_\_\_\_\_  
(Date)

September 20, 2016

Sean Ferguson, Library Manager  
Chatham Square Library  
33 East Broadway  
New York, NY, 10002

**RE: Brownfield Cleanup Program Application  
250 Seaport District, LLC  
250 Water Street  
NY, NY 10038**

Dear Ms. Mejia:

We represent 250 Seaport District, LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced site. The NYSDEC requires a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below and return if you are able to certify that your library would be willing and able to act as the temporary public repository for this BCP project.

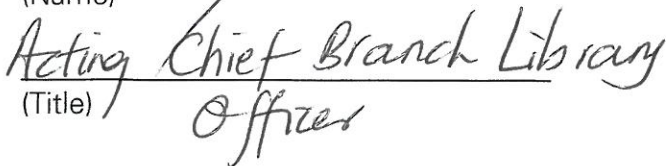
Sincerely,  
**Langan Engineering, Environmental, Surveying and  
Landscape Architecture, D.P.C.**

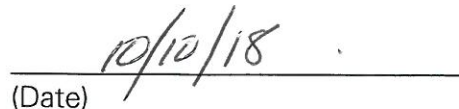


Mimi S. Raygorodetsky  
Senior Associate/Vice President

Yes, the Chatham Square Library is willing to act as a document repository on behalf of 250 Seaport District, LLC in their cleanup of 250 Water Street under the NYSDEC BCP.

  
(Name)

  
(Title) *Officer*

  
(Date)



## **ATTACHMENT H**

### **SECTION X: LAND USE FACTORS**

## **ATTACHMENT H**

### **SECTION X: LAND USE FACTORS**

#### *Item 1 - Current Zoning*

The site is located in a Commercial District (C6-2A). The C6-2A district is mapped within the South Street Seaport Sub-district of the Special Lower Manhattan District. The C6 district allows for a wide range of high-bulk commercial uses. Corporate headquarters, large hotels, department stores and entertainment facilities in high-rise mixed residential and commercial buildings are permitted in C6 districts. C6-2A is a contextual district with maximum building heights.

#### *Item 2 – Current Use*

The site currently operates as an open-air parking lot. Potential sources of contamination associated with the current site use include automobile fluids leaking from parked cars. However, the site is completely paved with asphalt, and chemical staining was not identified on asphalt in previous environmental reports for the site. The potential for small leaks of automobile fluids from parked cars is considered de minimis and is not expected to impact soil or groundwater at the site in a manner that would present a threat to human health and the environment. Known contamination at the site has been caused by historic use of the site and the surrounding area, including petroleum impacts associate with an anomaly consistent with an underground storage tank (UST).

#### *Item 3 – Intended Use Post-Remediation*

The proposed redevelopment is still in the early stages of planning but will likely be a mixed-use residential and commercial development, and may include affordable housing.

#### *Item 5 – Consistency with Applicable Zoning Laws/Maps*

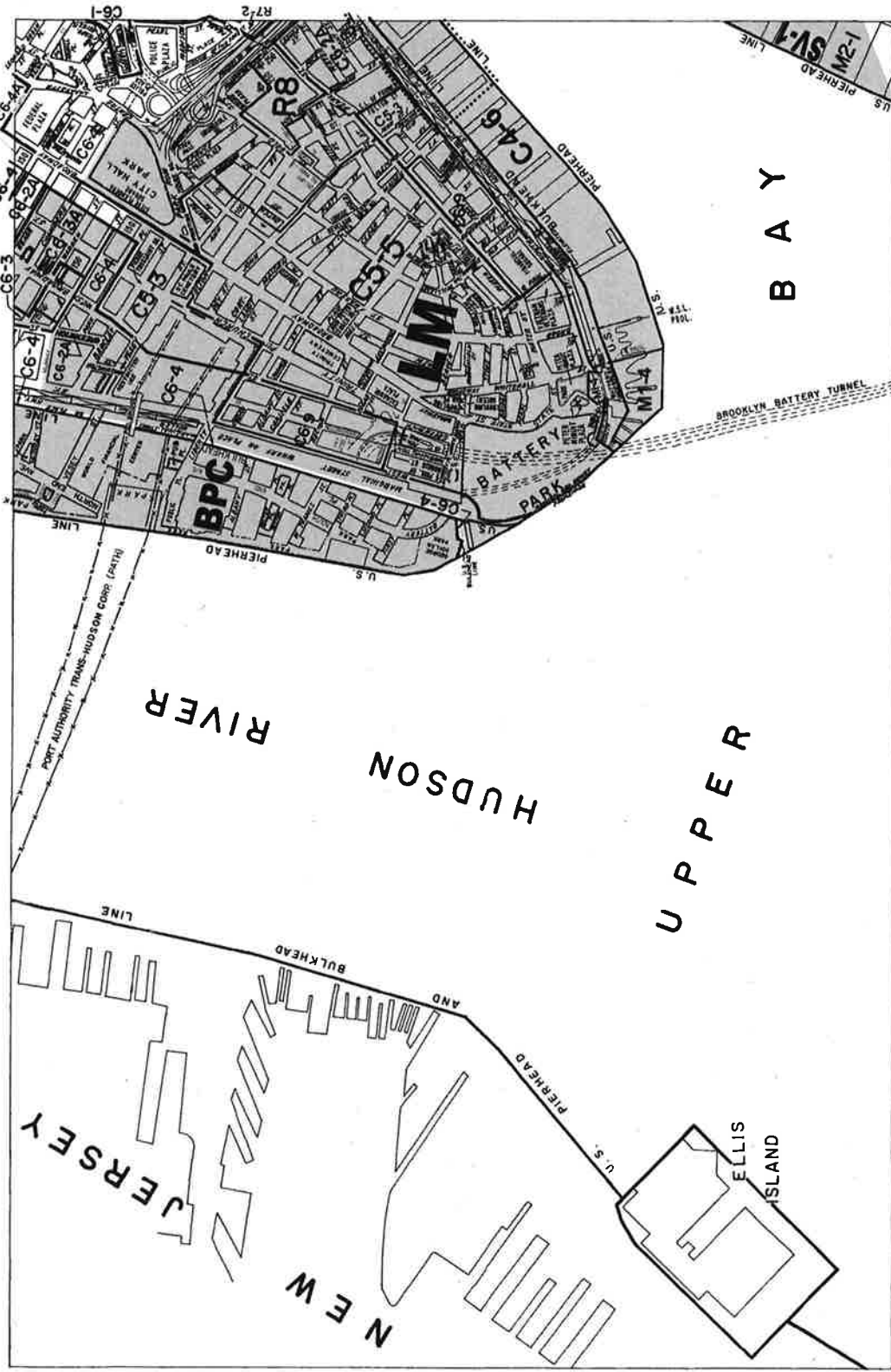
The site is currently zoned as a Commercial District (C6-2A). The proposed use is consistent with applicable zoning laws. The current zoning map is included in this attachment.

#### *Item 6 – Comprehensive Plans*

The proposed use is consistent with local and area plans and the goals of the Special Lower Manhattan District, which include the following:

- encourage development of a 24-hour community through the conversion of older commercial buildings to residential use;

- facilitate maximum design flexibility of buildings and enhance the distinctive skyline and streetscape of Lower Manhattan;
- improve public use and enjoyment of the East River waterfront by creating a better physical and visual relationship between development along the East River and the waterfront area, public access areas and the adjoining upland community;
- enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities;
- restore, preserve and assure the use of the South Street Seaport Subdistrict as an area of small historic and restored buildings, open to the waterfront and having a high proportion of public spaces and amenities, including a South Street Seaport Environmental Museum, with associated cultural, recreational and retail activities;
- establish the Historic and Commercial Core to protect the existing character of this landmarked area by promoting development that is harmonious with the existing scale and street configuration;
- establish the Water Street Subdistrict to improve the urban design relationship between existing buildings and open areas by promoting retail activities and the enhancement of existing public spaces with new amenities in this area; and
- promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.



- C1-1
- C1-2
- C1-3
- C1-4
- C1-5
- C2-1
- C2-2
- C2-3
- C2-4
- C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

# ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

**Major Zoning Classifications:**  
The number(s) and/or letter(s) that follows the R, C or M District designation indicates the bulk and other controls as described in the text of the Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT

**SPECIAL PURPOSE DISTRICT**  
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

..... AREA(S) REZONED

**Effective Date(s) of Rezoning:**  
A) - 20-2013 C 130052 ZMM

## Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.  
For a list of lots subject to "D" restrictive declarations, see APPENDIX D.  
For Inclusionary Housing designated areas on this map, see APPENDIX F.

## ZONING MAP 12b

MAP KEY

12a	12c
12b	12d
16a	16c

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NOTE: Zoning information is shown on this map is subject to change. For the most current zoning information, please visit the Zoning section of the Department of City Planning website [www.nyc.gov/dcp/planning](http://www.nyc.gov/dcp/planning) or contact the Zoning Information Desk at (212) 720-3291.