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# PHASE I ENVIRONMENTAL SITE ASSESSMENT

**126 LAFAYETTE STREET  
MANHATTAN  
NEW YORK COUNTY, NEW YORK  
BLOCK 209 LOT 21**



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## PREPARED FOR:

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New York, New York

## PREPARED BY:



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Partridge Venture Engineering, PC doing business as PVE Engineering ("PVE") is submitting this report for work performed at the above-referenced site. This report has been prepared in conformance with the scope and limitations ASTM Standard E-1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. If you have any questions or comments, please contact one of the individuals listed below. We declare that, to the best of our professional knowledge and belief, we meet the definition of *Environmental professional* as defined in §312.10 of 40 CFR § 312. We have the specific qualifications based on education, training, and experience to assess a *property* of the nature, history, and setting of the subject *property*. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

PVE Engineering,



Samuel Ambrose  
Environmental Technician



Christopher B. Brown, P.G.  
Director of Environmental Services/Environmental Professional

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## 1.0 Introduction

### 1.1 Objectives of Report

This Environmental Site Assessment (ESA) is intended to identify *recognized environmental conditions* (RECs) with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and petroleum products on the subject property (defined in Section 3.0). The term *recognized environmental conditions* (REC) is defined in accordance with **ASTM E 1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process** as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. Consideration is given to potential impacts to soil, groundwater, vapor, and other media.

### 1.2 Scope and Limitations of Report

Visual inspection of the subject property, a review of regulatory records and documents, and a review of historical records and documents are performed in accordance with ASTM E1527-13 and the appended Scope and Limitations (Appendix F) with the exception of any special terms and conditions in Section 1.4. Note that, as stated in Practice 1527-13, no environmental site assessment can wholly eliminate uncertainty regarding the potential for RECs in connection with a property and that performance of Practice 1527-13 is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs in connection with a property, recognizing reasonable limits of time and cost. PVE makes no representation of the condition of areas that could not be visually inspected.

### 1.3 Significant Assumptions

PVE assumes that all database records, historical information, interviews conducted, and information obtained from others regarding the subject property are from reliable sources. No attempt was made to independently verify the reliability of said sources, as it is not required to verify the information provided according to Section 7.5.2.1 of ASTM E1527-13. Where access to portions of the site or to structures on the site was unavailable or limited, PVE renders no opinion as to the presence of regulated or hazardous materials or to the presence of indirect evidence relating to hazardous or regulated material in that portion of the site or structure. Conclusions and recommendations are based on information obtained from said sources and a visual inspection of the subject property on the date listed herein. References and sources used for the preparation of this report are documented in this report.



## **1.4 Special Terms and Conditions**

An environmental liens and activity and use limitations (AULs) search was not included with the scope of this report, as per the direction of the user. In order to satisfy the ASTM E 1527-13 requirements for a Phase I ESA, a search for environmental liens and AULs must be appended.

## **1.5 User Reliance**

The user is the party seeking to use Practice E1527 to complete this environmental site assessment of the subject property. The user has specific obligations for completing a successful application of Practice E1527 outlined in Section 6 of E1527. Completion of the user questionnaire (attached in Appendix G) helps satisfy these obligations.

In addition to the user, additional parties may rely on the contents of this environmental site assessment as listed below.

User:	Stellar Management
Authorized to rely on this report:	Stellar Management 156 William Street, 10 <sup>th</sup> Floor New York, New York 10038

The scope of this Phase I ESA may not meet the needs of other users. Any reliance on the contents of this report by any third party is the sole responsibility of that party.

## **1.6 Definitions**

Below are some important definitions (as defined in E1527-13) that are not otherwise defined in this report:

*Fill dirt:* Dirt, soil, sand, or other earth, that is obtained off-site, that is used to fill holes or depressions, create mounds, or otherwise artificially change the grade or elevation of a real property. It does not include material that is used in limited quantities for normal landscaping activities.

*Material threat:* A physically observable or obvious threat which is reasonably likely to lead to a release that, in the opinion of the environmental professional, is threatening and might result in impact to public health or the environment. An example might include an aboveground storage tank system that contains a hazardous substance and which shows evidence of damage. The damage would represent a material threat if it is deemed serious enough that it may cause or contribute to tank integrity failure with a release of contents to the environment.

*Migrate/Migration:* For the purposes of a Phase I ESA, “migrate” and “migration” refers to the movement of hazardous substances or petroleum products in any form, including, for example, solid and liquid at the surface or subsurface, and vapor in the subsurface. Note that vapor



migration in the subsurface is described in Guide E2600; however, for the purposes of a Phase I ESA, there is no requirement to apply the Guide E2600 standard to achieve compliance with all appropriate inquiries.



## 2.0 Site Description

### 2.1 Subject Property Location

Street Address: 126 Lafayette Street  
Municipality: Manhattan  
County: New York County  
State: New York  
Tax Parcel ID: Block 209 Lot 21  
Lot Size: 6,295 sq. ft.  
Building Size: 18,705 sq. ft. (three-story commercial structure)

See Appendix A for site maps. The parcel outline was obtained from the New York City Department of Finance Digital Tax Map (<http://gis.nyc.gov/taxmap/>).

### 2.2 General Site Features, Characteristics, and Current Operations

Site Features: The subject property consists of one lot (Block 209 Lot 21) containing one (1) three-story commercial/office structure with basement.  
Current Use: Commercial and Office Building  
Topography: Subject property is generally flat; local topography gently slopes downward to the west.  
Potable Water Supply: Municipal Supplied.  
Sewage Disposal System: Municipal Supplied.  
Means of heating/cooling: Natural Gas.

### 2.3 Current Uses of Adjoining Properties

Adjoining properties are any real property or properties the border of which is contiguous or partially contiguous with that of the subject property, or that would be contiguous or partially contiguous with that of the subject property but for a street, road, or other public thoroughfare separating them. Adjoining parcels were obtained from the New York City Department of Finance Digital Tax Map (<http://gis.nyc.gov/taxmap/>).

Below is a table describing the current uses of adjoining properties.

<u>Direction from Subject Property</u>	<u>Address</u>	<u>Owner(s)</u>	<u>Occupant(s)/Use</u>	<u>Impact to Subject Property</u>
South	251 Canal	Tai Fook Corp	Commercial and	Not Anticipated





<u>Direction from Subject Property</u>	<u>Address</u>	<u>Owner(s)</u>	<u>Occupant(s)/Use</u>	<u>Impact to Subject Property</u>
	Street		Office Buildings	
South	255 Canal Street	255 Canal Realty LLC	Industrial and Manufacturing	Not Anticipated
South/ Southwest	257 Canal Street	K/K Associates	Mixed Use: Residential and Commercial	Not Anticipated
West	261 Canal Street	267 Canal Street Corp	Industrial and Manufacturing	Not Anticipated
North	138 Lafayette Street	CRI 11 Howard Street LLC	Commercial and Office Buildings	Not Anticipated
East	129 Lafayette Street	Unavailable Owner	Mixed Use: Residential and Commercial	Not Anticipated
East	123 Lafayette Street	123 Lafayette LLC	Commercial and Office Buildings	Not Anticipated
East/Southeast	247 Canal Street	China Buddhist Association	Unavailable	Not Anticipated



### 3.0 Database Search

A review of state and federal documents and databases was performed to identify recorded hazardous waste or regulated substance activities on or near the subject property. Information from state and federal databases was compiled by Environmental Data Resources (EDR), an independent subcontractor to PVE. The information presented below is a summary of this report. A complete listing of the sources searched and a complete copy of the database report are provided in Appendix B. The search distances as assigned in ASTM E1527-13 were used at a minimum for each of the following environmental record sources. Additional reviewed records are provided in Appendix C.

Not all sites identified in the database records can be accurately located due to incomplete or conflicting information supplied to the regulatory agencies. Asterisked (\*) sites are indicative of sites listed as un-mappable (“orphan”) in the EDR database report. Based on location information provided, the asterisked sites may be located within the appropriate search radius and are included in this Phase I ESA report. Information about these sites can be reviewed in the EDR Radius Map Report in Appendix B.

### 3.1 Federal and State Hazardous Waste Sites

#### *Federal National Priority List*

National Priority Listing (NPL) sites are those listed with the USEPA as hazardous waste disposal sites, also known as Superfund sites. Proposed and delisted NPL site lists are also maintained by the USEPA. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 1.0 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
NPL	No	1 / 0*	Not Anticipated	See Below
Proposed NPL	No	0 / 0*	None	Not Present
DELISTED NPL	No	0 / 0*	None	Not Present

NPL:

- Hudson River PCBs, located 3,448 feet west (topographically down-gradient) of the subject property. The site is a 40-mile stretch of the Hudson River between Mechanicville and Fort Edward, New York. General Electric Co. discharged an estimated 1.1 million pounds of polychlorinated biphenyls (PCBs) into this stretch of river. The state identified 40 “hot-spots” where PCBs in sediment have been detected at greater than 50 parts per million (ppm). The site is currently on the Final NPL.

*Based on the distance and down-gradient nature of this listing in relation to the subject property, PVE does not consider this listing to represent a REC.*



### ***Federal SEMS***

The SEMS (Superfund Enterprise Management System) list details proposed and existing federal Superfund sites pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The USEPA also maintains a SEMS-ARCHIVE list, which tracks sites that have no further interest under the Federal Superfund Program based on available information. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.5 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
SEMS	No	2 / 0*	Not Anticipated	See Below
SEMS-ARCHIVE	No	2 / 0*	Not Anticipated	See Below

#### **SEMS:**

- GSA-Thurgood Marshall U.S. Courthouse, located at 40 Centre Street, 1,911 feet south/southwest (topographically up-gradient) of the subject property. The site does not qualify for the NPL based on existing information. No additional information was provided.
- Hudson River PCBs, located 3,448 feet west (topographically down-gradient) of the subject property. The site is currently on the Final NPL.

#### **SEMS-ARCHIVE:**

- New York Solder Co. Inc., located at 15 Crosby Street, 381 feet north (topographically cross-gradient) of the subject property. The site not on the NPL and is listed as a removal-only site with no additional assessment is required.
- EPA Building, located at 290 Broadway, 1,948 feet southwest (topographically up-gradient) of the subject property. The site not on the NPL and is listed as a removal-only site with no additional assessment is required.

*Based on the distance of these listings in relation to the subject property, PVE does not consider these listings to represent RECs.*

### ***State-Equivalent NPL & SEMS***

Inactive State Hazardous Waste Disposal Sites are designated by NYSDEC and are state-equivalent SEMS sites. NYSDEC also maintains an inventory of delisted SHWS. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 1.0 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
NY SHWS	No	1 / 1*	Not Anticipated	See Below
NY DEL SHWS	No	0 / 0*	None	Not Present



SHWS:

- Hudson Kim's Cleaners, located at 462 Hudson Street, 4,816 feet northwest (topographically up-gradient) of the subject property. Chlorinated solvents in soil vapor and groundwater have been detected in concentrations exceeding applicable standards.
- \*CE – Hester Street Gas Works, located on Hester Street between Baxter Street and the east side of Centre Street, approximately 300 feet east (topographically up-gradient) of the subject property. Volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) were detected in soil and groundwater in concentrations exceeding applicable standards. Environmental sampling indicates that vapor intrusion into off-site structures is not a concern.

*Based on the distance of these listings in relation to the subject property, PVE does not consider this listing to represent a REC.*

***Hazardous Substance Waste Disposal Sites***

The Hazardous Substance Waste Disposal Sites (HSWDS) Inventory is maintained by New York State. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.5 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
NY HSWDS	No	0 / 0*	None	Not Present

**3.2 Hazardous Waste Treatment, Storage, or Disposal**

***RCRA Treatment, Storage, and Disposal Facilities***

The database of RCRA facilities for treatment, storage, or disposal of hazardous materials (RCRA TSD) is maintained by the USEPA. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.5 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
RCRA-TSDF	No	0 / 0*	None	Not Present

***RCRA Corrective Action Sites***

The USEPA maintains a database of sites within the RCRA Corrective Action program, which are facilities permitted by the USEPA for treatment, storage, or disposal of hazardous waste which have conducted or are currently conducting a corrective action as regulated under the Resource Conservation and Recovery Act. Further information can be reviewed in Appendix B.



<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 1.0 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
CORRACTS	No	0 / 0*	None	Not Present

### 3.3 Hazardous Waste Generation

The USEPA maintains a database of facilities that generate hazardous waste. Large Quantity Generators (LQG) generate over 1,000 kg of hazardous waste or over 1 kg of acutely hazardous waste per month. Small Quantity Generators (SQG) generate between 100 kg and 1,000 kg of hazardous waste per month. Very small quantity generators (VSQGs) generate less than 100 kg of hazardous waste or less than 1 kg of acutely hazardous waste per month. Non-generators are sites that do not presently generate hazardous waste. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Adjoining Properties:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
RCRA-LQG	No	0 / 0*	None	Not Present
RCRA-SQG	No	0 / 0*	None	Not Present
RCRA-VSQQ	No	0 / 0*	None	Not Present
RCRA NonGen/NLR	No	0 / 0*	None	Not Present

### 3.4 State Landfill and/or Solid Waste Disposal Sites

NYSDEC maintains a database of solid waste disposal facilities (SWF) and landfills (LF). Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.5 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
NY SWF/LF	No	0 / 0*	None	Not Present

### 3.5 State Registered Storage Tanks

NYSDEC maintains a database of petroleum bulk storage (PBS) facilities with regulated storage tanks. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Adjoining Properties:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
UST	No	0 / 0*	None	Not Present
AST	No	1 / 0*	Not Anticipated	See Below

AST Site:



- 21 Howard Street, PBS #2-611723, the adjoining property to the west (topographically cross-gradient) of the subject property. The following tank is associated with the property: one (1) 3,000-gallon, #2 heating oil tank installed on February 12, 1986, and closed-removed on December 27, 2011.

*Fuel storage tanks operated in accordance with applicable rules and regulations, would not represent a REC, however, unreported releases can occur and would adversely impact the subject property. Based on the available information, PVE does not consider this listing to represent a REC.*

### ***Chemical Bulk Storage Database***

NYSDEC maintains a database of facilities store regulated hazardous substances tanks (CBS), including aboveground tanks with capacities of 185 gallons or greater (CBS AST), and/or in underground tanks of any size (CBS UST). Only those that cannot be precisely located (orphans) or those thought to have a potentially negative environmental impact on the subject property are summarized below. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.25 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
CBS	No	0 / 0*	None	Not Present
CBS AST	No	0 / 0*	None	Not Present
CBS UST	No	0 / 0*	None	Not Present

## **3.6 Petroleum and Hazardous Material Releases**

### ***Emergency Response Notification System***

The USEPA Emergency Response Notification System (ERNS) stores information reported to the USEPA on sudden and/or accidental releases of hazardous substances to the environment. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
ERNS	No	None	Not Present

### ***Petroleum Spills***

NYSDEC maintains a database of petroleum spills reported to the department. Further information can be reviewed in Appendix B.

Open files indicate spills that have not been closed by the lead agency, which may indicate that contamination remains to be remediated and/or the agency has not yet received final confirmation that remedial action is complete. Closed files indicate spills whose files have been closed by the lead agency. Spills are usually closed when the agency determines the contamination relating to the spill has been remediated to meet the applicable standards. Spill



files may be closed even though contaminants in soil and groundwater do not meet applicable standards; this is especially true if groundwater is not relied upon for purposes of consumption or other institutional controls exist which minimize or prevent exposure to remaining contamination. Closed spill files always have the possibility of being reopened if additional information is received by the agency that demonstrates an increased risk to human health or the environment.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Adjoining Properties:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
SPILLS - Open File	No	0 / 0*	None	Not Present
SPILLS - Closed File	No	1 / 0*	Not Anticipated	See Below

#### SPILLS - Closed File:

- NYSDEC Spill #0402848, located at 129 Lafayette Street, an adjoining property to the east (topographically cross-gradient) of the subject property, occurred on June 15, 2004 when approximately one (1) quart of what was assumed to be an oil/water mixture was observed on a wall, floor, and sump of the basement. Samples were taken and analyzed for oil identification and polychlorinated biphenyls (PCBs). The fluid did not contain oil or PCBs and was described as “dirty water.” The file was closed on September 22, 2004.

*Based on the available information and the file being closed to the satisfaction of the NYSDEC, PVE does not consider this listing to represent a REC.*

*A FOIL request was submitted to NYSDEC. If further information is received at a later date and modifies the conclusions of this report, PVE will notify the user of the report.*

#### **State Leaking Storage Tank List**

NYSDEC maintains a database of leaking registered storage tank incident reports (LTANKS). Further information can be reviewed in Appendix B.

Open files indicate spills that have not been closed by the lead agency, which may indicate that contamination remains to be remediated and/or the agency has not yet received final confirmation that remedial action is complete. Closed files indicate spills whose files have been closed by the lead agency. Spills are usually closed when the agency determines the contamination relating to the spill has been remediated to meet the applicable standards. Spill files may be closed even though contaminants in soil and groundwater do not meet applicable standards; this is especially true if groundwater is not relied upon for purposes of consumption or other institutional controls exist which minimize or prevent exposure to remaining contamination. Closed spill files always have the possibility of being reopened if additional information is received by the agency that demonstrates an increased risk to human health or the environment. Due to the high frequency of LUSTs in the applicable search radius, only those that cannot be precisely located (orphans) or those thought to have a potentially negative



environmental impact on the subject property are summarized below. All LUSTs files, both closed and open, within the search radius were reviewed.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.5 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
LTANKS - Open File	No	4 / 0*	Not Anticipated	See Below
LTANKS - Closed File	No	121 / 0*	Not Anticipated	See Below

*PVE personnel have reviewed the one-hundred twenty-five (125) LTANKS listings. Based on the distance and/or down-gradient nature of these listings in relation to the subject property and/or the files being closed to the satisfaction of the NYSDEC, PVE does not consider these listings to represent RECs.*

### **3.7 Brownfield Sites and Environmental Restoration Program Listings**

A Brownfield is any real property where redevelopment or reuse may be complicated by the presence or potential presence of hazardous waste, petroleum, pollutants, or contaminants. In an effort to spur the cleanup and redevelopment of brownfields, New Yorkers approved a \$200 million Environmental Restoration or Brownfields Fund as part of the \$1.75 billion Clean Water/Clean Air Bond Act of 1996 (1996 Bond Act). Enhancements to the program were enacted on October 7, 2003. Under the Environmental Restoration Program (NY ERP), the State provides grants to municipalities to reimburse up to 90 percent of on-site eligible costs and 100% of off-site eligible costs for site investigation and remediation activities. Once remediated, the property may then be reused for commercial, industrial, residential or public use. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.5 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
NY BROWNFIELDS	No	3 / 0*	Not Anticipated	See Below
NY ERP	No	0 / 0*	None	Not Present

#### **NY BROWNFIELDS:**

- Hester Street Project, located at 204 Hester Street, 354 feet east/southeast (topographically cross-gradient of the subject property. No additional information was provided.
- 92 Avenue of the Americas, located 1,884 feet northwest (topographically down-gradient) of the subject property.
- 377 Greenwich Street, located 2,602 feet west (topographically down-gradient) of the subject property.





*Based on the distance and/or down-gradient nature of these listings in relation to the subject property, PVE does not consider these listings to represent RECs.*

### 3.8 State Voluntary Cleanup Program Sites

The VCP was established to address the environmental, legal, and financial barriers that hinder redevelopment and reuse of contaminated sites, and to enhance private sector cleanup of Brownfield sites by enabling parties to remediate using private rather than public funds.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.5 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
NY VCP	No	21 / 3*	Not Anticipated	See Below

*PVE personnel have reviewed the twenty-four (24) VCP listings. Based on the distance and/or down-gradient nature of these listings in relation to the subject property, PVE does not consider these listings to represent RECs.*

### 3.9 Federal & State Engineering & Institutional Controls, & Activity & Use Limitations

Activity and use limitations (AULs) are legal or physical restrictions or limitations on the use of, or access to, a site or facility to reduce or eliminate potential exposure to contaminants or to prevent activities that could interfere with the effectiveness of a response action protecting public health or the environment. AULs are often recorded at the land title office (commonly the County Clerk's office). AUL information is not typically contained in a chain of title report. In some cases, an AUL may not have been filed at the land title office but may be found in a separate environmental agency database.

Engineering control (EC) and institutional control (IC) listings are maintained by the USEPA and NYSDEC and are controls designed to prevent exposure to contaminants remaining on a site. Engineering and institutional controls are types of AULs. Engineering controls are physical modifications to a site. Institutional controls are legal or administrative restrictions on the use of, or access to, a site.

Readily available EC and IC listings were reviewed by EDR, but other AUL information may be applicable. If an AUL search was conducted as part of the environmental liens search, the results are indicated below. However, AULs may only exist in project documentation, which may not be readily available to the environmental professional. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
US ENG CONTROLS	No	None	Not Present
NY ENG CONTROLS	No	None	Not Present
US INST CONTROL	No	None	Not Present
NY INST CONTROL	No	None	Not Present



<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
AULs	Not Searched	N/A	Not Searched

### 3.10 Environmental Liens

An environmental lien is a charge, security, or encumbrance upon title to a property to secure the payment of a cost, damage, debt, obligation, or duty arising out of response actions, cleanup, or other remediation of hazardous substances or petroleum products upon a property, including (but not limited to) liens imposed pursuant to CERCLA 42 U.S.C. §§9607(1) & 9607(r) and similar state or local laws. An environmental liens report was not acquired for this report.

	<i>Subject Property:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
Environmental Liens	Not Searched	N/A	Not Searched

### 3.11 Other Conditions of Concern

#### *Manifests*

A manifest is a document that lists and tracks hazardous waste from the generator, through transporters, to a TSD facility indicating that hazardous wastes have been properly transported in accordance with state and federal regulations. Details pertaining to these sites can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Adjoining Properties:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
NY MANIFEST	No	4 / 0*	Not Anticipated	See Below
NJ MANIFEST	No	2 / 0*	Not Anticipated	See Below

#### NY MANIFEST:

- Con Edison, located at 261 Canal Street, the adjoining property to the west (topographically cross-gradient) of the subject property. The manifest is associated with the removal of 1,000 lbs. of lead (Waste Code: D008) from the property. No violations were identified in association with the listing.
- Con Edison, located at 17 Howard Street, the adjoining property to the north (topographically cross-gradient) of the subject property. The manifest is associated with the removal of 2,000 lbs. of lead (Waste Code: D008) from the property. No violations were identified in association with the listing.
- Con Edison, located at 259 Canal Street, the adjoining property to the west(topographically cross-gradient) of the subject property. The manifest is associated



with the removal of 500 lbs. of lead (Waste Code: D008) from the property. No violations were identified in association with the listing.

- Con Edison, located at 265 Canal Street, the adjoining property to the west(topographically cross-gradient) of the subject property. The manifest is associated with the removal of 500 lbs. of lead (Waste Code: D008) from the property. No violations were identified in association with the listing.

#### NJ MANIFEST:

- Con Edison, located at 259 Canal Street, the adjoining property to the west(topographically cross-gradient) of the subject property. No violations were identified in association with the listing.
- Con Edison, located at 265 Canal Street, the adjoining property to the west(topographically cross-gradient) of the subject property. No violations were identified in association with the listing.

*Based on the lack of violations for the properties described in the manifests, PVE does not consider these listings to represent RECs.*

#### ***Manufactured Gas Plants***

Manufactured gas plants (MGPs) produced gas for fuel until the 1950s. A significant amount of waste and hazardous byproducts were typically generated and often disposed of at the plant, resulting in contamination of the site.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 1 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
EDR MGP	No	5 / 0*	Not Anticipated	See Below

- Con Edison – Canal St. Works, located on Canal Street, 165 feet southeast (topographically cross-gradient) of the subject property. No additional information was provided. The MGP is not depicted in available Sanborn Fire Insurance Maps dating back to 1894. PVE believes the location associated with the listing to be incorrect.
- Con Edison – Hester St. Works, located on Hester Street, 1,225 feet east/southeast (topographically up-gradient) of the subject property. No additional information was provided.
- Con Edison – Cross/Little Water Sts. Works, located on Pearl Street between Park Row and South Street, 1,568 feet south/southwest (topographically cross-gradient) of the subject property. No additional information was provided.



- Con Edison – Roosevelt St. Station, located on Canal Street, 2,418 feet southeast (topographically cross-gradient) of the subject property. No additional information was provided.
- Con Edison – 286 Water St. Site, located at 312 Water Street, 3,450 feet south/southeast (topographically down-gradient) of the subject property. No additional information was provided.

*Based on supplemental research, the distance and/or down-gradient nature of these listings in relation to the subject property, PVE does not consider these listings to represent RECs.*

### ***Drycleaners***

EDR has searched NYSDEC's list of registered drycleaning facilities. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.25 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
DRYCLEANERS	No	2 / 0*	Not Anticipated	See Below

- Mulberry Cleaners of NY, located at 86 Kenmore Street, 1,198 feet northeast (topographically up-gradient) of the subject property.
- Elizabeth 1 Dry Cleaner located at 90 Elizabeth Street, 1,273 feet east (topographically up-gradient) of the subject property.

*Based on the distance of these listings in relation to the subject property, PVE does not consider these listings to represent RECs.*

### ***Historic Service Stations***

EDR has searched selected national collections of business directories and has collected listings of potential gas station/filling station/service station sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include gas station/filling station/service station establishments. The categories reviewed included, but were not limited to gas, gas station, gasoline station, filling station, auto, automobile repair, auto service station, service station, etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.25 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
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<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.25 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
EDR US Hist Auto Stat	No	1 / 0*	Not Anticipated	See Below

- Fina Fashions, located at 129 Lafayette Street, an adjoining property to the east (topographically cross-gradient) of the subject property, is identified as a gasoline service station in 1989 and 1990. Based on supplemental research, PVE believes this listing to be a mailing address.
- 1015 66 Street Development, located at 396 Broadway, Room 201, located 488 feet southwest (topographically cross-gradient) of the subject property, is identified as a gasoline service station from 2001 – 2008. Based on supplemental research, PVE believes this listing to be a mailing address.
- Clinton Transmissions, located 401 Broadway, Suite 2015, located 552 feet west (topographically cross-gradient) of the subject property, is identified as an automotive transmission repair shop from 2001 – 2004. Based on supplemental research, PVE believes this listing to be a mailing address.

*Based on the supplemental research and/or the distance of these listings in relation to the subject property, PVE does not consider these listings to represent RECs.*

### ***Historic Cleaners***

EDR has searched selected national collections of business directories and has collected listings of potential dry cleaner sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include dry cleaning establishments. The categories reviewed included, but were not limited to dry cleaners, cleaners, laundry, laundromat, cleaning/laundry, wash and dry etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.25 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
EDR US Hist Cleaners	No	3 / 0*	Not Anticipated	See Below

- 148 Lafayette Street, Floor 7, located 209 feet north (topographically cross-gradient) of the subject property, is identified as a garment presser in 2009.
- 161 Grand Street, located 467 feet northeast (topographically up-gradient) of the subject property, is identified as a dry cleaner in 1994.



- 401 Broadway, Suite 601, located 552 feet west (topographically cross-gradient) of the subject property, is identified as a dry cleaner from 2001 – 2008.

*Based on the supplemental research and/or the distance of these listings in relation to the subject property, PVE does not consider these listings to represent RECs.*

### ***FUDS: Formerly Used Defense Sites***

Formerly Used Defense Sites (FUDS) are properties that were owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. The term also refers to the U.S. Military program created in 1986 for assessment and environmental restoration led by the U.S. Army Corps of Engineers.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 1.0 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
FUDS	No	2 / 0*	Not Anticipated	See Below

- Pier 42 Storage/Berthn, located 5,147 feet northwest (topographically down-gradient) of the subject property. No additional information was provided.

*Based on the distance and down-gradient nature of this listing in relation to the subject property, PVE does not consider this listing to represent a REC.*

### ***ROD/CONSENT***

Record of Decision (ROD) documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup. Consent sites are major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters. Details pertaining to these sites can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 1 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
ROD	No	1 / 0*	Not Anticipated	See Below
CONSENT	No	1 / 0*	Not Anticipated	See Below

ROD:

- Hudson River PCBs, NYD980763841, located 3,448 feet west (topographically down-gradient) of the subject property. ROD regarding “remnant deposit capping” was completed on 9/25/1984. An additional ROD regarding “reassessment river” was completed on 2/1/2002.

CONSENT:



- Hudson River PCBs, NYD980763841, located 3,448 feet west (topographically down-gradient) of the subject property. Case Title: U.S. v General Electric Company.

*Based on the distance and down-gradient nature of these listings in relation to the subject property, PVE does not consider these listings to represent RECs.*

### ***US BROWNFIELDS: A Listing of Brownfields Sites***

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties takes development pressures off of undeveloped, open land, and both improves and protects the environment. Assessment, Cleanup and Redevelopment Exchange System (ACRES) stores information reported by EPA Brownfields grant recipients on brownfields properties assessed or cleaned up with grant funding as well as information on Targeted Brownfields Assessments performed by EPA Regions. A listing of ACRES Brownfield sites is obtained from Cleanups in My Community. Cleanups in My Community provides information on Brownfields properties for which information is reported back to EPA, as well as areas served by Brownfields grant programs. Further information can be reviewed in Appendix B.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.5 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
US BROWNFIELDS	No	2 / 0*	Not Anticipated	See Below

- Lafayette Street School Yard, located at 205 Lafayette Street, 1,060 feet northeast (topographically up-gradient) of the subject property.
- 19 East Houston Street, located 2,467 feet north/northeast (topographically up-gradient) of the subject property.

*Based on the distance these listings in relation to the subject property, PVE does not consider these listings to represent RECs.*

### ***FUSRAP: Formerly Utilized Sites Remedial Action Program***

The Department of Energy established the Formerly Utilized Sites Remedial Action Program (FUSRAP) in 1974 to remediate sites where radioactive contamination remained from the Manhattan Project and early U.S. Atomic Energy Commission (AEC) operations.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.5 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
FUSRAP	No	3 / 0*	Not Anticipated	See Below

- Ledoux and Co., located at 155 Avenue of the Americas, 2,575 feet northwest (topographically up-gradient) of the subject property. The site was eliminated from FUSRAP because radioactive materials were not handled.





- Lucius Pitkin, located at 47 Fulton Street, 4,133 feet south/southwest (topographically down-gradient) of the subject property. The site was eliminated from FUSRAP because radioactive materials were not handled.
- Markite Co., located at 155 Waverly Place, 5,225 feet north (topographically up-gradient) of the subject property. According to the database, the site was eliminated from FUSRAP because “limited amounts” of radioactive materials were used at the site and the potential for contamination was ruled to be remote.

*Based on the distance and/or down-gradient nature of these listings in relation to the subject property, and the nature of the listings, PVE does not consider these listings to represent RECs.*

### ***MOSF: Major Oil Storage Facility Site Listing***

These facilities may be onshore facilities or vessels, with petroleum storage capacities of 400,000 gallons or greater.

<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.25 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
MOSF	No	1 / 0*	Not Anticipated	See Below
MOSF AST	No	1 / 0*	Not Anticipated	See Below

MOSF/MOSF AST:

- AT&T, located at 33 Thomas Street, MOSF #2-2560, 1,845 feet southwest (topographically up-gradient) of the subject property. The following tanks are associated with the property: ten (10), 18,000-gallon, Nos. 1, 2, or 4 heating oil tanks installed in June of 1973 and closed between May and July of 1998. Closure dates were not reported for two (2) of the tanks. Tank information may be withheld (not releasable under the Freedom of Information Law) in accordance with the Public Officers Law Sections 86.5, 87.2(f), 89.5(a)(1)(1-a).

*Based on the distance of this listing in relation to the subject property, PVE does not consider this listing to represent a REC.*

### ***RES DECL: Restrictive Declarations Listing***

A restrictive declaration is a covenant running with the land which binds the present and future owners of the property. As a condition of certain special permits, the City Planning Commission may require an applicant to sign and record a restrictive declaration that places specified conditions on the future use and development of the property. Certain restrictive declarations are indicated by a D on zoning maps.





<i>EDR Database Acronym:</i>	<i>Subject Property:</i>	<i>Properties within 0.5 mile:</i>	<i>Impact to Subject Property</i>	<i>Rationale</i>
RES DECL	No	1 / 0*	Not Anticipated	See Below

- Lot 5, Tax Block 231, located at 309 Canal Street, 597 feet west/northwest (topographically cross-gradient) of the subject property. No additional information was provided.

*Based on the distance of this listing in relation to the subject property, PVE does not consider this listing to represent a REC.*



## **4.0 Physical Setting Analysis**

The physical setting of the subject property was evaluated by consulting regional maps and other sources. Following is a summary of this review.

### **4.1 7.5 Minute USGS Topographic Map**

According to the Jersey City, New Jersey USGS topographic map, the subject property is approximately 16 feet above mean sea level.

### **4.2 Regional Hydrogeology**

Based on topography, groundwater is presumed to flow to the west, towards the Hudson River.



## 5.0 Site Reconnaissance

PVE personnel inspected the subject property on November 11, 2020. The site reconnaissance and interviews were conducted by Samuel Ambrose. Photographs are attached in Appendix D.

The reconnaissance included a walk-through of all accessible interior common areas of the subject property and exterior locations. Adjoining properties were visually assessed from the subject property boundary, public right-of-ways, or other vantage points, and are summarized in Section 2.3. The entire basement, exterior, and a portion of the first floor were inspected.

### 5.1 General Site Observations Table

Below are items visually and/or physically observed. Items marked with "†" are defined below.

Item	Observed at Site or Known to Exist		Further explanation below	Brief notes
	Yes	No		
Storage Tanks		X		
Drums†		X		
Hazardous† or Regulated Substances		X		
Petroleum Products† Containers		X		
Unidentified Substance Containers		X		
Polychlorinated Biphenyls (PCBs)		X		
Evidence of Solid Waste Disposal (including mounds or filled areas)		X		
Strong, Pungent, or Noxious Odors		X		
Pools of Liquid		X		
Stained Soil or Pavement		X		
Corrosion		X		
Stressed Vegetation		X		
Septic Systems		X		
Pits, Ponds, or Lagoons†		X		
Floor Drains or Sumps†	X		X	Two (2) floor drains and one (1) sump.
Wastewater†		X		
Liquid discharges into drainage systems, including		X		



Item	Observed at Site or Known to Exist		Further explanation below	Brief notes
	Yes	No		
stormwater				
Wells (including dry wells†)		X		
Other Conditions of Concern		X		

## Definitions

**Drum:** A container (typically, but not necessarily, holding 55 gallons) that may be used to store hazardous substances or petroleum products.

**Dry wells:** Underground areas where soil has been removed and replaced with pea gravel, coarse sand, or large rocks. Dry wells are used for drainage, to control storm runoff, for the collection of spilled liquids (intentional and unintentional) and wastewater disposal (often illegal).

**Hazardous substance:** A substance defined as a hazardous substance pursuant to CERCLA 42 U.S.C. §9601(14), as interpreted by EPA regulations and the courts: “(A) any substance designated pursuant to section 1321(b)(2)(A) of Title 33, (B) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of this title, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, (42 U.S.C. §6921) (but not including any waste the regulation of which under RCRA (42 U.S.C. §§6901 et seq.) has been suspended by Act of Congress), (D) any toxic pollutant listed under section 1317(a) of Title 33, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. §7412), and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator (of EPA) has taken action pursuant to section 2606 of Title 15. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).”

**Petroleum products:** Those substances included within the meaning of the petroleum exclusion to CERCLA, 42 U.S.C. §9601(14), as interpreted by the courts and EPA, that is: petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under Subparagraphs (A) through (F) of 42 U.S.C. § 9601(14), natural gas, natural gas liquids, liquefied natural gas, and synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). (The word fraction refers to certain distillates of crude oil, including gasoline, kerosene, diesel oil, jet fuels, and fuel oil, pursuant to Standard Definitions of Petroleum Statistics.)

**Pits, Ponds, or Lagoons:** Man-made or natural depressions in a ground surface that are likely to hold liquids or sludge containing hazardous substances or petroleum products. The likelihood of such liquids or sludge being present is determined by evidence of factors associated with the pit, pond, or lagoon, including, but not limited to, discolored water, distressed vegetation, or the presence of an obvious wastewater discharge.

**Sump:** A pit, cistern, cesspool, or similar receptacle where liquids drain, collect, or are stored.

**Wastewater:** Water that (1) is or has been used in an industrial or manufacturing process, (2) conveys or has conveyed sewage, or (3) is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. Wastewater does not include water originating on or passing through or adjacent to a site, such as stormwater flows, that has not been used in industrial or manufacturing processes, has not been combined with sewage, or is not directly related to manufacturing, processing, or raw materials storage areas at an industrial plant.



## **5.2 Site Visit Observations**

The subject property consists of one (1) lot (Block 209 Lot 21) containing one (1) three-story commercial and office structure with a basement. The basement was accessed by an elevator in the 128 Lafayette Street entrance, and contains the boiler room, utility room, vacant space, and storage space. The boiler room contains a natural gas-fed boiler. According to Mr. Steve Cheung, the building supervisor who has been familiar with the site for over 15 years, the structure was converted to natural gas approximately 30 years ago. No evidence of fuel tanks was observed in the interior or exterior of the structure. One (1) sump was observed in the boiler room. No staining, odors, or liquid drainage were observed in the vicinity of the sump.

The first floor contains vacant tenant space, an active tattoo parlor, and a gift shop. The second and third floors contain office space and a spa according to Mr. Cheung.

The adjoining properties are comprised primarily of commercial structures with some mixed use (residential & commercial) structures. Nothing observed during the site inspection would represent a REC.



## 6.0 Property History

The history of the subject property and surrounding area was researched through a review of readily ascertainable standard historical sources. These sources may include current and past owners, property records, recorded land title records, property tax files, building department records, and/or zoning and land use records. This review was conducted in order to identify those uses that are likely to have led to recognized environmental conditions. Following is a summary of these findings. Specific sources are documented first, followed by a summary at the end of this section, which may include information initially described in other sections of this report.

### 6.1 Property Ownership

Property ownership history was researched through the New York City Department of Finance Office of the City Register. Previous owners and the approximate date of purchase are listed below. This ownership record is based on reasonably attainable information, may be incomplete, and does not constitute a title search.

<i><b>Seller/Grantor</b></i>	<i><b>Buyer/Grantee</b></i>	<i><b>Approximate Date of Purchase</b></i>
Unknown	130 Lafayette Street Corp	Unknown
130 Lafayette Street Corp	Yee Tai Enterprises Corp	11/19/1981

### 6.2 Topographic Maps

Topographic maps were provided by Historic Aerials (<http://www.historicaerials.com/>). Below is a discussion of the changes to the subject property and pertinent changes in surrounding properties:

1898	The lot containing the subject property appears to be developed however, individual structures are not depicted.
1900	See 1898 description.
1902	See 1898 description.
1904	See 1898 description.
1906	See 1898 description.
1908	See 1898 description.
1909	See 1898 description.



1913	See 1898 description.
1920	See 1898 description.
1932	See 1898 description.
1947	See 1898 description.
1958	See 1898 description.
1964	See 1898 description.
1969	See 1898 description.
1982	See 1898 description.
2014	See 1898 description.
2016	See 1898 description.

### 6.3 Aerial Photographs

Aerial photographs were provided by Historic Aerials (<http://www.historicaerials.com/>). Below is a discussion of the changes to the subject property and pertinent changes in surrounding properties:

1954	A structure is depicted on the subject property that is similar in location and layout to the present-day structure.
1966	See 1954 description.
1980	See 1954 description.
1987	See 1954 description.
1994	Poor image quality. Subject property is not discernable.
1997	Poor image quality. Subject property is not discernable.
2004	See 1954 description.
2006	See 1954 description.
2008	See 1954 description.
2009	See 1954 description.



2010	See 1954 description.
2011	See 1954 description.
2012	See 1954 description.
2013	See 1954 description.
2015	See 1954 description.
2017	See 1954 description.

#### 6.4 Fire Insurance Maps

Fire Insurance maps were provided in the EDR report and are attached in Appendix B. Below is a discussion of the changes to the subject property and pertinent changes in surrounding properties:

1894	<p>Subject Property: The subject property is depicted as three (3) lots containing one (1) three-story structure with a basement. The structure is labeled as a distillery.</p> <p>Adjoining Properties: No environmentally pertinent properties are depicted.</p> <p>Nearby Properties: A property 270 feet northeast of the subject property is labeled as “manufacturing establishments.”</p>
1905	<p>Subject Property: The subject property is labeled as stock of lumber.</p> <p>Adjoining Properties: The adjoining property to the north is depicted as a packing box factory and lumber yard. An adjoining property to the east is depicted as a wagon yard and a blacksmith. An adjoining property to the southeast is depicted as a box packer and a printer.</p> <p>Nearby Properties: The manufacturing establishments are no longer depicted.</p>
1913	<p>The location and layout of the subject property are consistent with previous maps. The structures on the map are not labeled.</p>
1922	<p>Subject Property: See 1905 description.</p> <p>Adjoining Properties: The adjoining property to the north is depicted as American Brass &amp; Copper Co. warehouse and factory. The wagon yard, blacksmith, box packer, and printer are no longer depicted.</p> <p>Nearby Properties: The manufacturing establishments are no longer depicted.</p>
1950	<p>Subject Property: The subject property is now depicted is a store and flat.</p> <p>Adjoining Properties: No environmentally pertinent properties are depicted.</p> <p>Nearby Properties: A property 175 feet northeast of the subject property is depicted as a filling station.</p>





1968	Subject Property: See 1950 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1950 description.
1976	Subject Property: See 1950 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1950 description.
1977	Subject Property: See 1950 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1950 description.
1978	Subject Property: See 1950 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1950 description.
1979	Subject Property: See 1950 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1950 description.
1980	Subject Property: See 1950 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1950 description.
1983	Subject Property: See 1950 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1950 description.
1985	Subject Property: See 1950 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1950 description.
1987	Subject Property: See 1950 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1950 description.
1988	Subject Property: See 1950 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1950 description.
1990	Subject Property: See 1950 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1950 description.
1992	Subject Property: See 1950 description. Adjoining Properties: See 1950 description. Nearby Properties: The filling station is now depicted as a parking lot or facility.



1993	Subject Property: The subject property is now depicted as a commercial structure and flat. Adjoining Properties: See 1950 description. Nearby Properties: See 1992 description.
1994	Subject Property: See 1993 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1992 description.
1995	Subject Property: See 1993 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1992 description.
1996	Subject Property: See 1993 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1992 description.
2001	Subject Property: See 1993 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1992 description.
2002	Subject Property: See 1993 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1992 description.
2003	Subject Property: See 1993 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1992 description.
2004	Subject Property: See 1993 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1992 description.
2005	Subject Property: See 1993 description. Adjoining Properties: See 1950 description. Nearby Properties: See 1992 description.

## 6.5 City Directories

City directories list telephone company records of past occupants and businesses for an address by year, and is reviewed to determine if past occupants and businesses of the subject property and adjacent properties may have led to recognized environmental conditions. The city directory report is attached in Appendix B.

### *Subject Property*



#### 126 Lafayette Street

2017 – Ginis Pizza Joint, Heavene Specialty Beauty Spa, Paclot Supplies LLC, Shan Xiu Toaist Temple

2014 – Heavene Specialty Beauty Spa, Qian Lin, Shan Xiu Taoist Temple

2009 – Lafayette Souvenir

2006 – Durable Machine LTD, Lafayette Souvenir

2004 – New Kam Kwan Trading Corp

2000 – Durable Mach LTD, H&R Inc, New Kam Kwn Trade

1999 – H&R Incorporated, New Kam Kwan Trading Corporation

1998 – H&R Inc

1994 – Durable Machine LTD, H&R Inc, New Kam Kwan Trading Corp

1993 – Excessive Inc

1973 – Payne Ernest Corp

1968 – Metric Div US Socket Screw Corp

1938 – Boucher Playthings MFG Corp

1927 – Enrique Cenarro Off, Hyrdo Centrifugal Co,

#### 128 Lafayette Street

Universal Prntng Co

### ***Adjoining Properties***

Adjoining property addresses are based on the New York City Department of Finance Digital Tax Map (<http://gis.nyc.gov/taxmap/>), and are listed in Section 2.3.

*No environmentally pertinent listings were observed.*

## **6.6 Other Records and Interviews**

Listed below are additional records requested and/or reviewed as part of this Phase I ESA. If information relevant to the findings and conclusions of this ESA has been received from these departments, it is summarized below and/or in other sections of this report.

### ***Health Agency Records***

An information request was sent to the NYC Department of Health and Mental Hygiene requesting any information the department has regarding on-site septic systems, supply or monitoring wells, chemical spills, health violations, or other environmental contamination issues associated with the site. If further information is received at a later date and modifies the conclusions of this report, we will notify the user of the report.



### ***Fire Department Records***

Pursuant to ASTM Standard E1527-13 Section 8.1.5, records that are obtainable within a reasonable time frame is information that will be provided by the source within 20 calendar days of receiving a public information request. Based on the expected response time of over 20 calendar days for the Fire Department of New York (FDNY), records from this agency are not considered reasonably ascertainable and therefore files were not requested.

### ***NYC Property***

The NYC Property website, <http://webapps.nyc.gov:8084/CICS/fin1/find001I>, was accessed for records relating to the subject property (Appendix C). The most recent assessment indicates one three-story building to be present on the property.

### ***Building Department***

NYC Department of Buildings (DOB) records were accessed via <http://a810-bisweb.nyc.gov/bisweb/bispi00.jsp> (Appendix C). The Department of Finance Building Classification for the lot is O5-Office Buildings.

Two (2) oil burner applications were observed in listed DOB Actions associated with the property, dated 1956 and September 21, 1989.

Any certificates of occupancy, a list of actions, and open violations for the subject property are attached in Appendix C.

### ***NYC Department of Finance***

The NYC Department of Finance Office of City Register website, <https://a836-acris.nyc.gov/DS/DocumentSearch/BBL>, was searched for records relating to the subject property (Appendix C). Property ownership information received from this source is included in Section 6.1.

### ***Interview - Regulatory Agency***

A FOIL request was submitted to the NYSDEC regarding Spill #0402848, located at 129 Lafayette Street, an adjoining property to the of the subject property. As of the date of this report, no response has been received. If further information is received at a later date and modifies the conclusions of this report, PVE will notify the user of the report.

### ***Interview - Current Owner***

No interviews were conducted with current owners because none were provided by the user.



### ***Interview - Current Operator/Occupant***

The building supervisor, Mr. Steve Cheung, was available at the time of inspection on November 11, 2020. Mr. Cheung has been associated with the subject property for approximately 15 years. Any environmentally pertinent information discussed is included in Section 5.2 (Site Visit Observations) of this report.

### ***Interview - Past Owner***

No interviews were conducted with past owners because none were provided by the user.

### ***Interview - Past Operator/Occupant***

No interviews were conducted with past operators or occupants because none were provided by the user.

### ***Interview - User***

The User declined to complete the User Questionnaire provided by PVE personnel.

### ***Other Interviews***

No other interviews, other than those already mentioned, were conducted.

## **6.7 Summary of General Property History and Use**

The earliest available record depicting the subject property, the 1894 Sanborn Map, shows three (3) lots containing one (1) three story structure; a distillery. The 1905 Map depicts the property as a lumber stock structure and the 1950 Map depicts retail/commercial use. This structure and use are consistent as viewed in Sanborn Maps dated 1950 – 2005 and aerial photographs dated 1954 – 2017. According to the City Directory, the structure has been for commercial and purposes as early as 1927. Currently this subject property and structure are used for commercial space including a gift shop, spa, and tattoo parlor.



## 7.0 Findings and Conclusions

PVE personnel have conducted a Phase I Environmental Site Assessment in conformance with ASTM Standard E1527-13 of the property at 126 Lafayette Street, Manhattan, New York County, New York (the subject property). Any exceptions to, or deletions from, this practice are described in Section 1.4 and 7.5 of this report.

<u>Environmental Concern</u>	<u>Number of Findings</u>
Recognized Environmental Conditions (RECs)	2
Controlled Recognized Environmental Conditions (CRECs)	None
Historical Recognized Environmental Conditions (HRECs)	None
De minimis Conditions	None
Data Gap/Data Failure	5

### 7.1 Recognized Environmental Conditions

The definition of a *recognized environmental condition* (REC) is the presence or likely presence of any *hazardous substances* or *petroleum products* in, on, or at a *property*: (1) due to release to the environment; (2) under conditions indicative of a *release* to the *environment*; or (3) under conditions that pose a *material threat* of a future *release* to the *environment*. This assessment has revealed no evidence of *recognized environmental conditions* in connection with the property, except for the following:

1. As indicated in Section 6.4 (Sanborn Fire Insurance Maps) of this report, a filling station was located approximately 175 feet to the northeast (topographically up-gradient) of the subject property from at least 1950 through 1990. Operations and wastes generated at facilities such as this have the potential to contaminate groundwater, soil, and ultimately soil vapor quality, resulting in a potential vapor intrusion condition.
2. As indicated in Section 6.4 (Sanborn Fire Insurance Maps) of this report, various unspecified manufacturing facilities (270 feet northeast), a blacksmith (adjoining property), and an American Brass and Copper factory (adjoining) were observed in Maps dated 1894 – 1922. No Maps between 1922 – 1950 were available. Operations and wastes generated at facilities such as these have the ability to contaminate groundwater, soil, and ultimately soil vapor quality, resulting in a potential vapor intrusion condition.



## 7.2 Controlled Recognized Environmental Conditions

The definition of a *controlled environmental condition* (CREC) is a *recognized environmental condition* resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. Examples of controls include property use restrictions, activity and use limitations, institutional controls, and engineering controls. CRECs are a subset of RECs. This assessment has revealed no evidence of *controlled recognized environmental conditions* in connection with the property.

## 7.3 Historical Recognized Environmental Conditions

The definition of a *historical recognized environmental condition* (HREC) is a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls. This assessment has revealed no evidence of *historical recognized environmental conditions* in connection with the property.

## 7.4 De minimis Conditions

The term *recognized environmental conditions* is not intended to include *de minimis conditions*. *De minimis conditions* generally do not present a threat to human health or the environment and generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis* are not RECs or CRECs. This assessment has revealed no evidence of *de minimis conditions* in connection with the property, except for the following:

As discussed in section 6.6, two (2) oil burner applications were noted in listed DOB Actions associated with the property, dated 1956 and September 21, 1989. This suggests that fuel storage tank(s) may have been present on the subject property, at one time. No evidence of such tanks was identified during our site inspection, but their presence cannot be ruled out.

## 7.5 Data Gaps and Data Failures

*Data gaps* are defined as a lack or inability to obtain information required by ASTM E-1527-13 despite good faith efforts to gather such information. A *data gap* by itself is not inherently significant and is only significant if other information raises reasonable concerns. Examples of *data gaps* are the inability to inspect portions of the subject property during the site inspection, and an inability to identify the historical use of the subject property back to 1940 but the earliest source shows the subject property to be undeveloped.



*Data failures* are a subset of *data gaps* and indicate a failure to achieve historical research objectives even after reviewing standard historical sources that are reasonably attainable and likely to be useful.

Pursuant to ASTM E1527-13, historical sources are required to document property use back to the property's first developed use or back to 1940, whichever is earlier, or periods of five years or greater.

The following are data failures or data gaps encountered during this assessment:

1. Records of ownership of the subject property may be incomplete. The ownership record obtained during this assessment is based on reasonably attainable information and does not constitute a title search.
2. Data gaps in excess of five years were encountered during the review of the standard historical sources.
3. Interviews were not conducted with present owners, past owners, present operators, past operators, present occupants, or past occupants.
4. A FOIL was submitted to the NYSDEC regarding Spill #0402848, located at 129 Lafayette Street, an adjoining property to the of the subject property. As of the date of this report, no response has been received. If further information is received at a later date and modifies the conclusions of this report, PVE will notify the user of the report.
5. The User declined to complete the User Questionnaire provided by PVE.

## **7.6 Conclusions and Opinions**

RECs #1 & #2 listed in Section 7.1 are not located on the subject property. The most likely impact to the subject property, if any, from this REC is through a vapor encroachment condition. If additional information is needed pertaining to the potential for releases to impact the subject property, consideration should be given to further investigation.

Other sources consulted during this Phase I ESA indicate that the above-referenced data gaps are not significant.

*Standard Notes: As part of this Phase I ESA and in accordance with Section 7.5.2.1 of ASTM E 1527-13, PVE has made no attempt to independently verify the reliability of information provided. In addition and in accordance with Section 3.2.18 Note 3 of ASTM E 1527-13, a condition identified as a CREC does not imply that the environmental professional has evaluated or confirmed the adequacy, implementation, or continued effectiveness of the required control that has been, or is intended to be, implemented.*



