



# SUBMIT EVALECONSLRR9. AVENIR.ENVIRONMENT

*The following information related to the land of the proposed gaming facility including, but not limited to, the following (Image files should be submitted separately):*

- *Links to any Phase I and II reports or any other investigations of site, sub-surface, geotechnical or environmental conditions or hazardous materials that have been completed relating to the condition of the Project Site.*



# RESPONSE

## A Foundation for Success

The subsurface conditions at the site generally consist of exposed competent bedrock (i.e., New York City Building Code Class 1c or better). Bedrock at the site generally consists of mica schist, granite, pegmatite, and gneiss. Spot elevations taken on the exposed rock surface vary from about Elevation 16 to Elevation -19, corresponding to depths of about 4.5 feet to 37.5 feet below adjacent sidewalk grades. Given the shallow bedrock conditions, groundwater is generally anticipated to be perched atop the bedrock surface. We expect that the site will be assigned to seismic Site Class A based on the assumption that all foundations will be bearing directly on competent bedrock.

We anticipate that the proposed development can generally be supported on shallow foundations bearing on competent bedrock. Depending on building loads overtop the NYCT No. 7 Line tunnels, deep foundations or other load transfer measures may be required to reduce stresses imparted on the tunnels. Where uplift resistance cannot be accommodated by the dead load of the structure, the design engineers recommend the use of post-tensioned tie-down anchors socketed in competent bedrock.

Permanent groundwater control will be required for the new development. Waterproofing of below grade slabs and walls will be provided.

A support of excavation (SOE) system was previously installed at the site as part of the remediation efforts performed and associated with the NY State Brownfield Cleanup Program. The SOE generally consists of soldier piles and lagging with tiebacks and internal bracing. Maintenance of the existing SOE is ongoing and consists of replacing deteriorated elements and locally berming portions of the SOE walls. The existing SOE system will generally accommodate the proposed development without significant modifications or additional installation. Underpinning will likely be required to support the Con Ed vaults along the western perimeter of the site (along Eleventh Avenue). Only minor rock excavation will be required for the proposed development depending on the proposed subgrade elevations. Where rock excavation is required, the high-quality rock observed through the site will require localized rock chipping and splitting techniques. Where exposed rock faces are present along the perimeter of the site, rock stabilization measures would be expected to consist of rock bolts and rock dowels.

Note that design and construction of the proposed development will conform to the NYCT and Amtrak requirements and restrictions. The New York City Department of Buildings (DOB) will require NYCT and Amtrak approval prior to issuing building permits.

**The following documents can be found at the link below:**

- ◆ “01 – Phase I ESA-Avenir.pdf” – **Phase I Environmental Site Assessment Report dated March 2025**
- ◆ “02 - 536 West 41st St Phase I.pdf” – **Phase I Report dated March 25th, 2011**
- ◆ “03 - 536 West 41st St Phase II.pdf” – **Phase II Report dated September 2007**
- ◆ “04 - 2012-03-30.536 W41st St. Phase II Report Supplemental.pdf” – **Phase II Report Supplemental dated March 2012**
- ◆ “05 - 2015-02-06 C231077 Repository Cert.pdf” – **Repository Certificate dated February 6th, 2015**
- ◆ “06 - 2018-02-02 520 West 41st Street Geotech Report.pdf” – **Geotechnical Report dated February 2nd, 2018**
- ◆ “07 - 2018-10-16 FEM REPORT - 550W41ST.pdf” – **FEM Report dated October 16th, 2018**
- ◆ “08 - 2018-11-15 NYCT Consent Letter.pdf” – **NYC Transit Authority Consent Letter dated November 15th, 2018**
- ◆ “09 - C231077\_2015-01-22 - Remedial Investigation Report\_Langan.pdf” – **Remedial Investigation Report dated January 22nd, 2015**
- ◆ “10 - C231077\_2015-02-06 - Remedial Action Work Plan\_Langan.pdf” – **Remedial Action Work Plan dated February 6th, 2015**
- ◆ “11 - C231077\_2015-12-18 - Final Engineering Report\_Langan.pdf” – **Final Engineering Report dated December 18th, 2015**
- ◆ “12 - 520 WEST 41ST ST - DM - 20170511 - BH - OUTGOING - FINAL CONDITIONS.pdf” – **Final Conditions Plan dated May 11th, 2017**
- ◆ “13 - C231077 - 2105-12-29 - Certificate of Completion\_NYSDEC.pdf” – **Certificate of Completion dated December 29th, 2015**

<https://silvprop.sharefile.com/public/share/web-s30e146c8c03841b4b490e8337913a1fe>

**FOR CONVENIENCE, IMAGES OF THE CERTIFICATE OF COMPLETION ARE LOCATED ON THE FOLLOWING PAGES.**

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION "CERTIFICATE OF COMPLETION" IS BELOW:

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
625 Broadway, 12th Floor, Albany, New York 12233-7011  
P: (518) 402-9706 | F: (518) 402-9020  
www.dec.ny.gov

DEC 29 2015

Silverstein MB LLC  
Attn: Michael Levy  
250 Greenwich Street  
New York, NY 10007

Re: Certificate of Completion  
Site Name: Former West 41<sup>st</sup> St. Car Dealership  
Site No.: C231077  
New York, New York County

Dear Mr. Levy:

Congratulations on having satisfactorily completed the remedial program at the Former West 41<sup>st</sup> St. Car Dealership site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (DEC) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to DEC's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

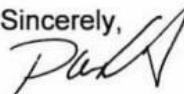
Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. DEC will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;



If you have any questions regarding any of these items, please contact the project manager for this site, Robert Filkins, at (518) 402-9768.

Sincerely,



Robert W. Schick, P.E.  
Director  
Division of Environmental Remediation

Enclosures

ec: William Dacunto, Silverstein MB LLC  
Linda Shaw, Knauf Shaw LLP  
Joel Landes, Langan Engineering & Environmental Services  
Krista Anders, DOH  
Bridgette Boyd, DOH  
Justin Deming, DOH  
Michael Ryan, DEC  
Robert Cozzy, DEC  
Robert Filkins, DEC  
Sally Dewes, DEC  
Jane O'Connell, DEC  
Dolores Tuohy, DEC  
Karen Mintzer, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

Name	Address
Silverstein MB LLC	250 Greenwich Street, New York, NY 10007

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 7/10/12    **Agreement Execution:** 9/19/12    **Agreement Index** C231077-07-12

**Application Approval Amendment:** 9/21/15                      **Agreement Execution Amendment:** 9/21/15

**SITE INFORMATION:**

**Site No.:** C231077    **Site Name:** Former West 41st Street Car Dealership Site  
**Site Owner:** Silverstein MB LLC  
**Street Address:** 536 West 41st Street  
**Municipality:** New York    **County:** New York    **DEC Region:** 2  
**Site Size:** 2.109 Acres  
**Tax Map Identification Number(s):** 1069-1  
**Percentage of site located in an EnZone:** 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

**Allowable Uses under the BCP:** Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial  
**Cleanup Track:** Track 1: Unrestricted use

**Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.  
Tangible Property Credit Component Rate is 22 %.

**Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.  
Tangible Property Credit Component Rate is 20 %.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

**LIABILITY LIMITATION**

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

**CERTIFICATE TRANSFERABILITY**

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

**CERTIFICATE MODIFICATION/REVOCAION**

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos  
Acting Commissioner  
New York State Department of Environmental Conservation

By: Robert W. Schick Date: December 29, 2015  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation