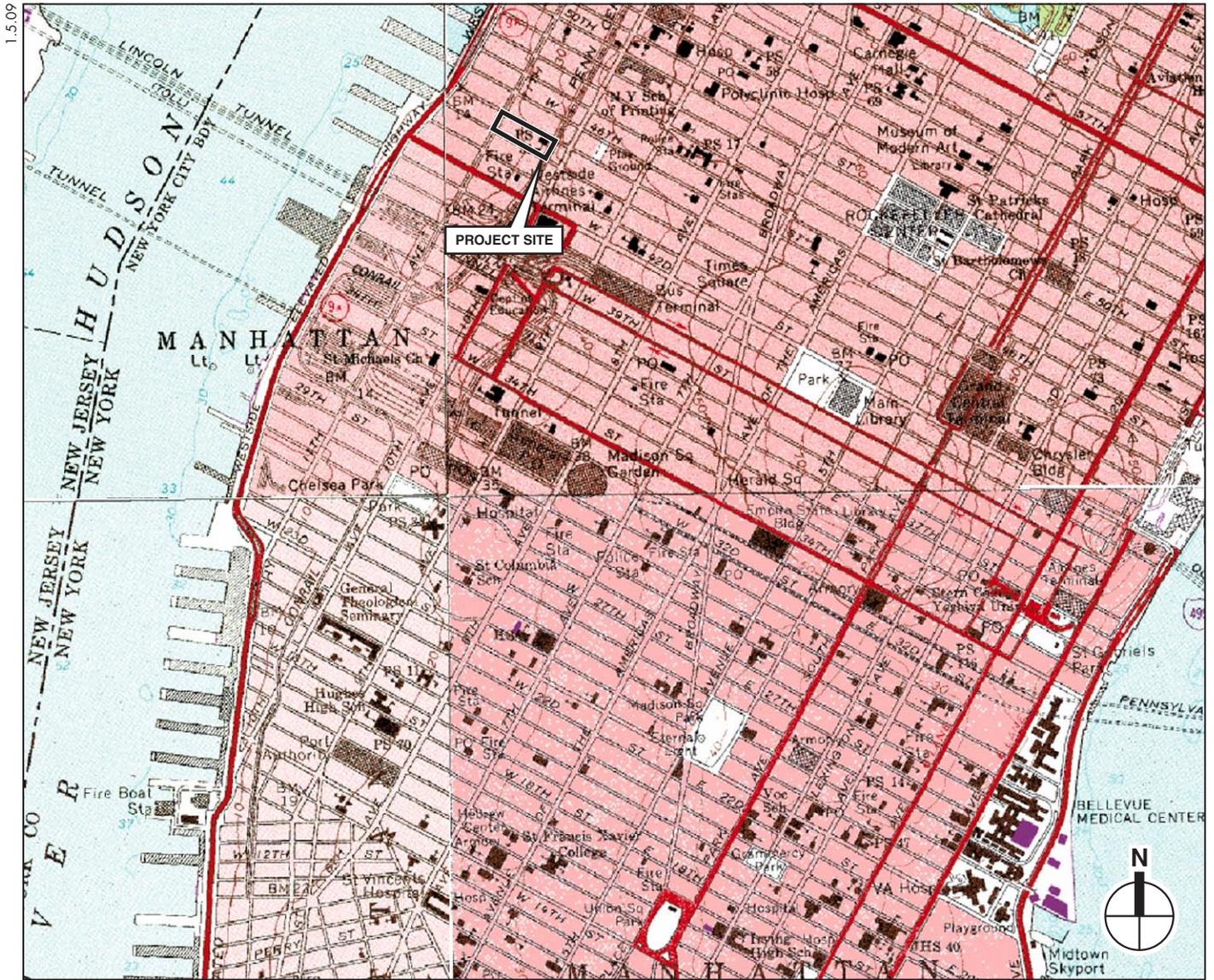


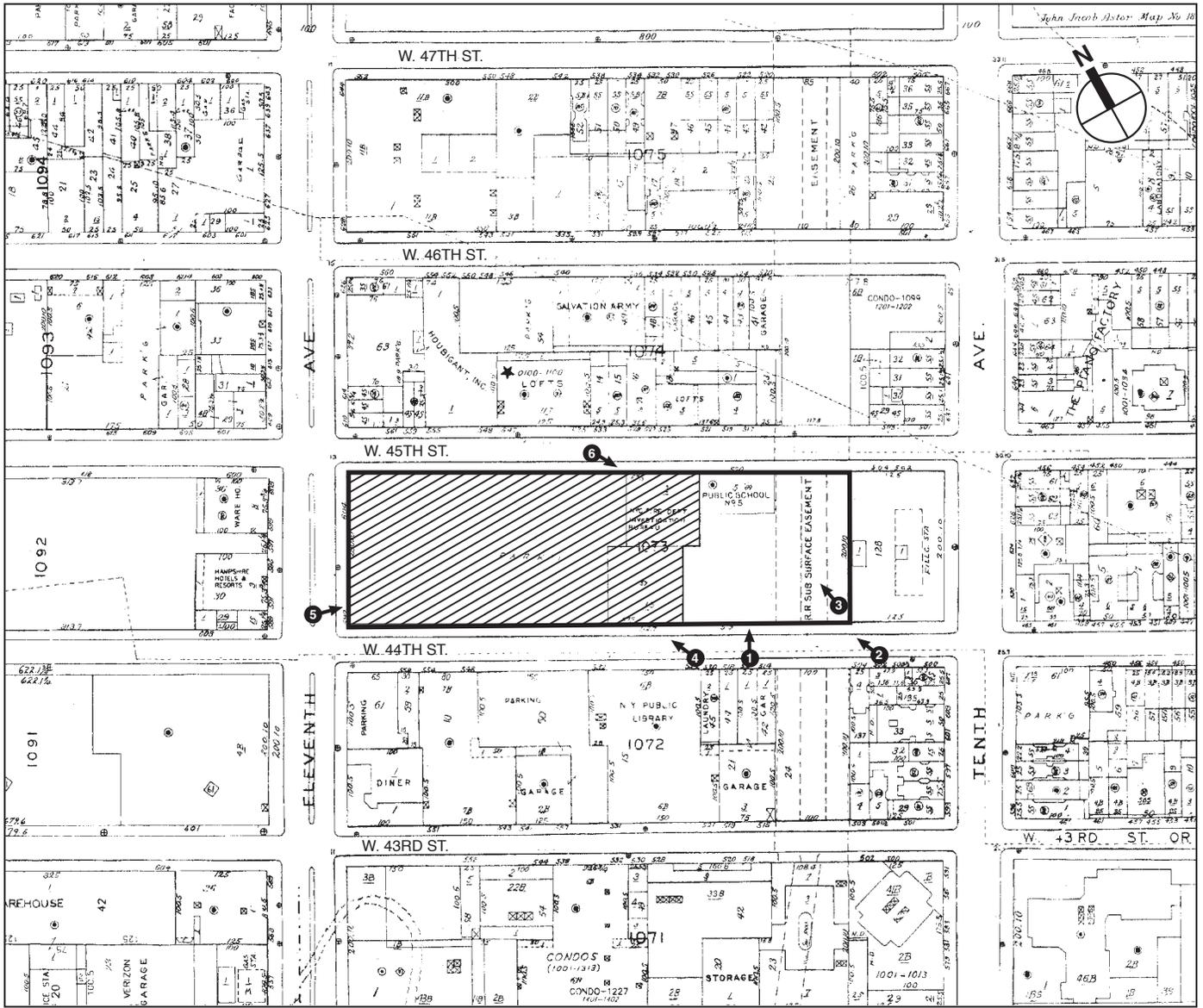
Appendix A
Historic Resources

APPENDIX A

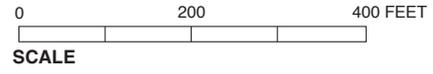


**Project Site Location
USGS Maps, Central Park, Jersey City,
Brooklyn and Weehawken Quadrangles**

Figure 1



-  Project Site
-  Area Analyzed by HPI in 2000
-  Photograph Reference Number and Angle



**Project Site Boundaries
and Index to Photographs**
Figure 2



School and playground, looking north from West 44th Street. 1

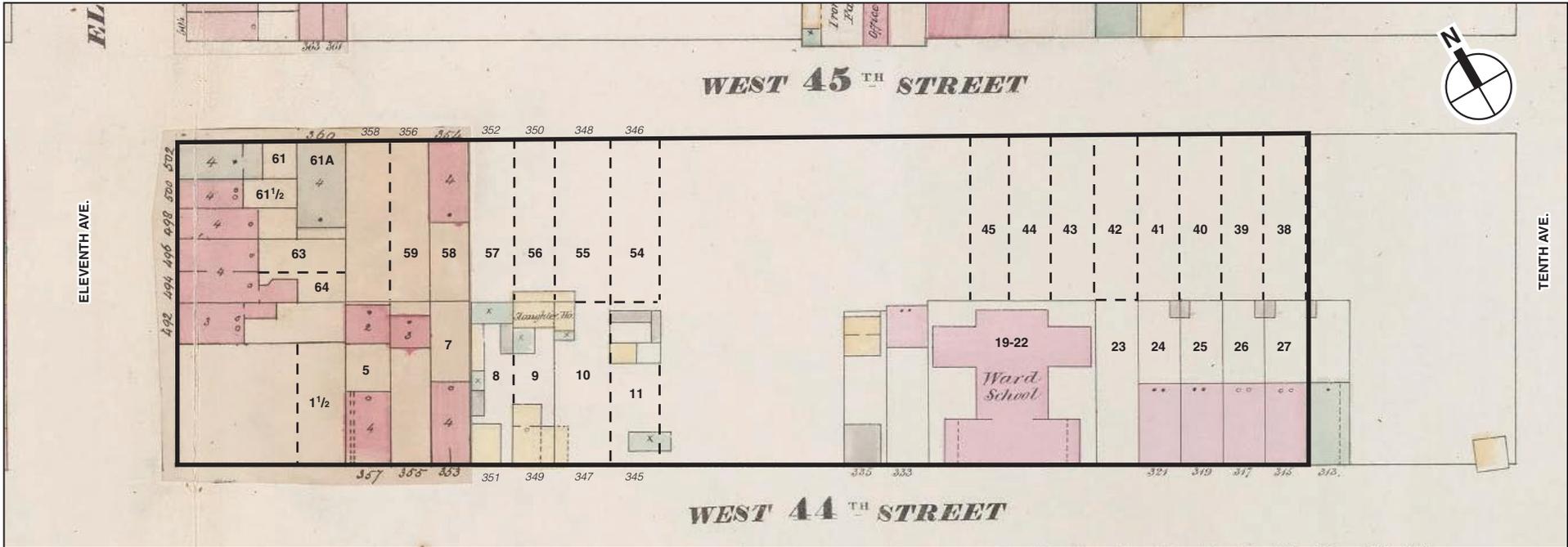


Railroad right-of-way and PS 51, looking north from West 44th Street. 2

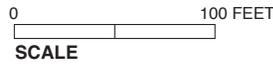


NOT TO SCALE

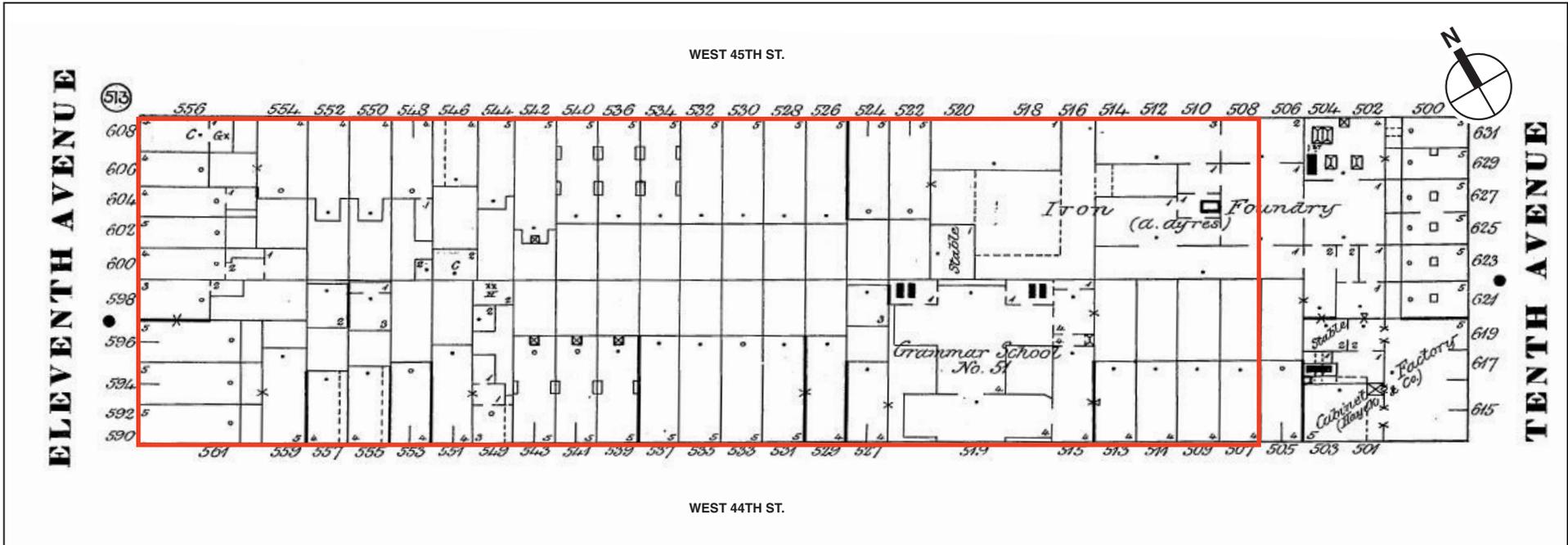
Sanitary and Topographical Map
of the City and Island of New York
E. Viele, 1865
Figure 3



- Project Site Boundary
- - - Historic Lot Boundary
- 8 Historic Lot Number (Only lots analyzed for this study are labeled)

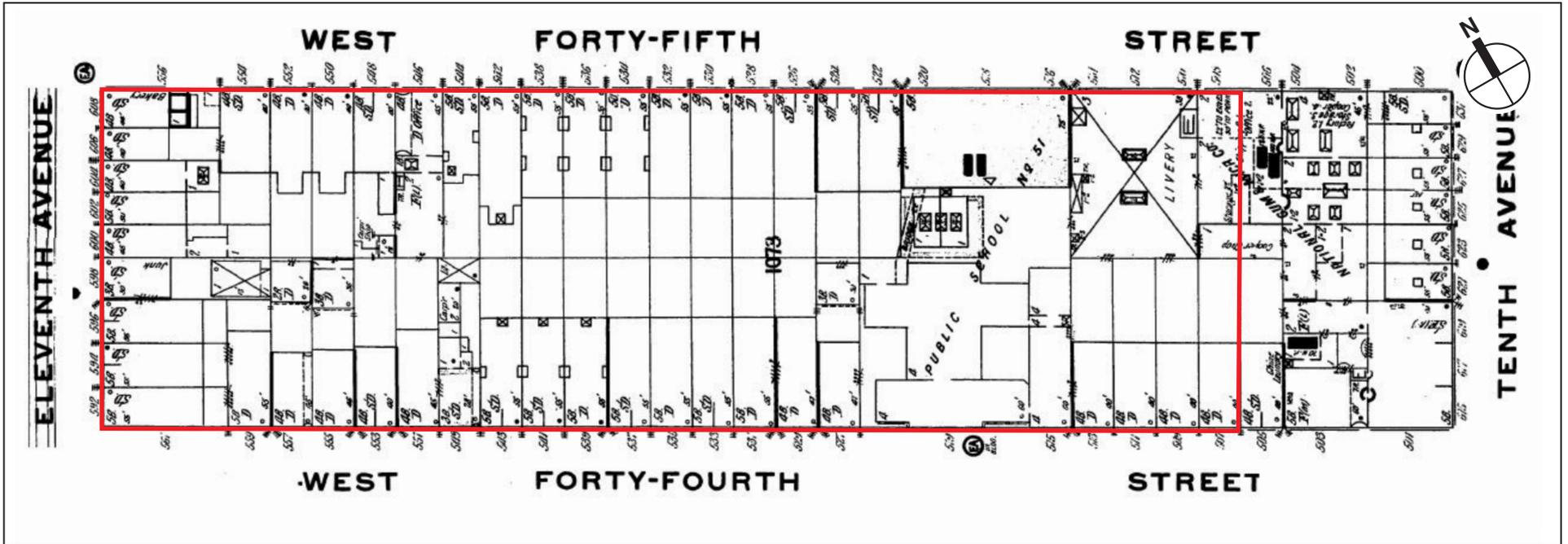


Maps of City of New York
 W. Perris, 1859
 Figure 4



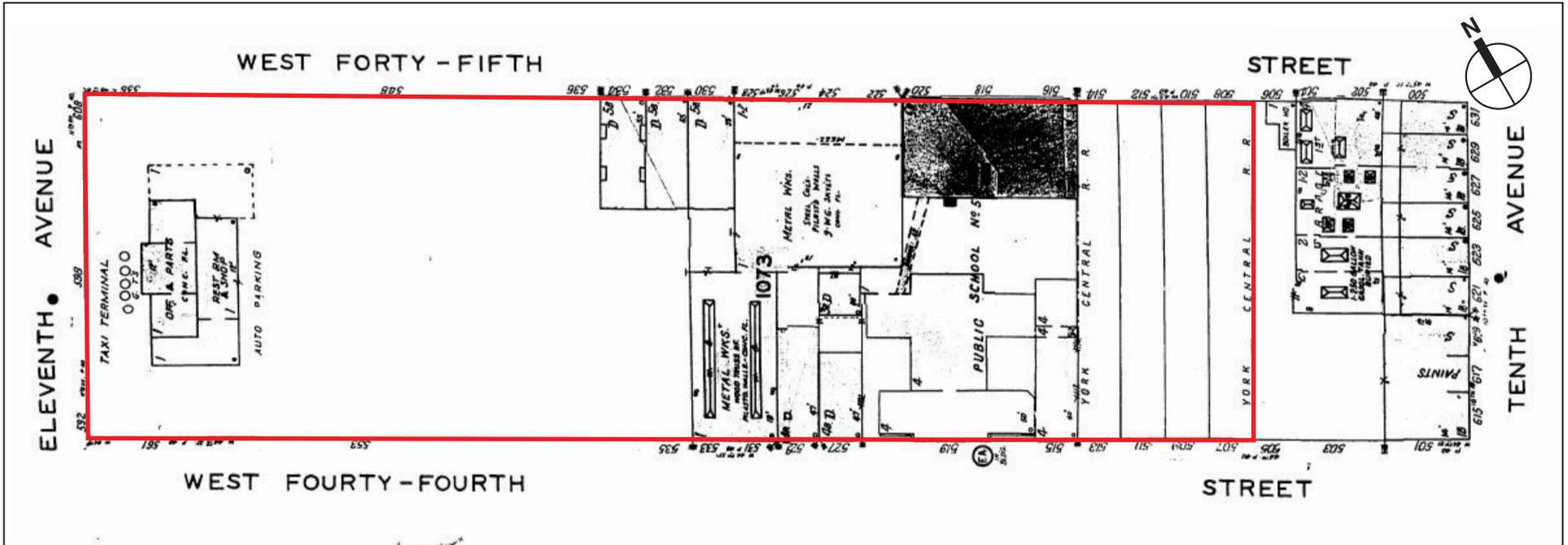
— Project Site Boundary





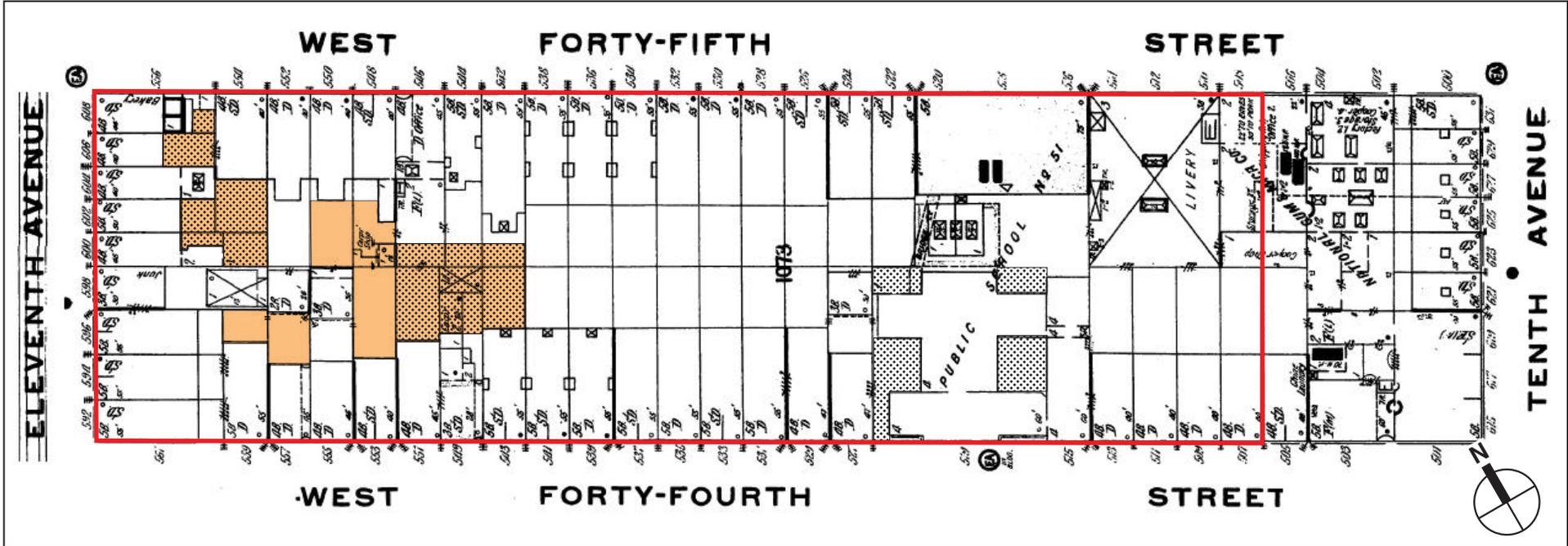
— Project Site Boundary



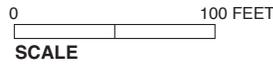


— Project Site Boundary

0 100 FEET
SCALE



-  Project Site Boundary
-  Areas identified as potentially sensitive by HPI in 2000
-  Areas where archaeological testing is recommended



Areas of Archaeological Sensitivity
Sanborn Insurance Map, 1911
Figure 8

APPENDIX A



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

May 7, 2009

Amy Diehl Crader
AKRF
440 Park Avenue South
New York, NY 10016

Re: FRA, HFA, HPD, NYCSCA
Rezoning of West 44th Street and Eleventh Avenue
New York County
09PR00143

Dear Ms. Diehl Crader:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to the Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon our review, we offer the following comments:

1. Kathy Howe of our National Register Unit notes that the following properties are eligible for listing on the National Register of Historic Places:
 - a. P.S. 51, 520 West 45th Street
 - b. 454 West 44th Street, Hell's Kitchen, rowhouse
 - c. Houbigant Company building at 539 West 45th Street
 - d. Acker, Merrall & Condit Company Warehouse, 536 West 46th Street
 - e. E. & J. Burke Company Warehouse, 616-620 West 46th Street
2. Kathy Howe of our National Register Unit notes that the following properties are NOT eligible for listing on the National Register of Historic Places:
 - a. Piano Factory at 455-463 West 45th Street/452-460 West 46th Street
 - b. The Landmark Tavern at 626 Eleventh Avenue
 - c. 522 West 45th Street, two-story brick building
3. Douglas Mackey of our Archeology Unit concurs with the recommendations for a Phase 1B archeological testing at the various location identified in the Archeological Documentary Study prepared by AKRF in November 2008. Specifically, testing is recommended for sections of Lots 8-11, 54-57, 61, 61 ½, 61 A, 63, 64 and in the side yards of the original public school structure.
4. Douglas Mackey continues to offer that the DEIS refers to Appendix A, which should contain a map identifying these archeologically sensitive locations, however, Appendix A was not included in the current materials submitted to our office. As long as the map in Appendix A matches Figure 8 in the Archeological Documentary Study, we will find it acceptable.

David A. Paterson
Governor

Carol Ash
Commissioner

5. Based upon our review of the proposed project, it is clear that there will be impacts to the existing PS 51. As stated in the submitted documents, a construction protection plan will be put in place for this building and that it is proposed for redevelopment as housing. Our office requests review of the proposed redevelopment and review of the proposed new construction as it may have an effect upon this historic school building.
6. The documents proposed a construction protection plan for all historic structures within 90 feet of the construction site. We concur with this and request review of the construction protection plan once they are available.
7. We have no concerns with the proposed removal of the two non-historic structures, except as noted above for archeological concerns.
8. At this time, we cannot concur with the proposed conclusion that "the Proposed Project is not expected to result in any significant adverse impacts on archeological or architectural resources." We do not know the possible impacts to archeological deposits and we do not know the possible impacts to the current PS 51.

Thank you for your request. If you have any questions, I can be reached at (518) 237-8643, ext. 3282. Please refer to the Project Review (PR) number in any future correspondences regarding this project.

Sincerely,



Beth A. Cumming
Historic Site Restoration Coordinator
e-mail: Beth.cumming@oprhp.state.ny.us

enc: Resource Evaluation



**New York State Office of Parks,
Recreation and Historic Preservation**

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

David A. Paterson
Governor

Carol Ash
Commissioner

RESOURCE EVALUATION

DATE: April 20, 2009

STAFF: Kathy Howe

PROPERTY: various (see below)

MCD: Manhattan

PROJECT REF: 09PR00143

COUNTY: New York Co.

ELIGIBLE PROPERTIES

Based on the documentation submitted, the following properties appear to meet the criteria for listing to the State and National Registers within the context of the Industrial History of Hell’s Kitchen. These eligible resources appear to retain sufficient period integrity and meet Criterion A for their association with the historic industrial history of the neighborhood:

Houbigant Company building at 539 East 45th Street (06101.017169)

Built in 1924 by Lockwood Greene & Company for the Houbigant Company, a French perfume and cosmetics company, the eleven-story tan-brick building has a limestone base and copper spandrel panels below the tripartite window bays. In its more recent past, this building became the first industrial condominium in the country in 1971 with five printing companies calling it home.

Acker, Merrall & Condit Company warehouse, 536 West 46th Street (06101.017171)

This five-story brick Romanesque Revival warehouse was built ca. 1907 for the Acker, Merrall & Condit Company, a former wholesale grocery business. A *New York Times* article from January 1, 1886 notes that the company “for 30 years has been one of the foremost here” and handles “only the very finest grades of fancy groceries, both imported and domestic, as well as wines, liquors and cigars.” (The company is still in business today as a wine purveyor.) Today it is occupied by a Salvation Army Thrift Store.

E. & J. Burke Company warehouse, 616-620 West 46th Street (06101.017173)

This six-story red brick warehouse was built in 1912-1913 for the E. & J. Burke Company, an importer and seller of beer and whiskey. It was designed by architect Thomas J. Duff who designed several Manhattan churches. The four-bay-wide façade has loading docks at the street level, end blocks that project slightly forward from the center section, and regular fenestration with historic two-over-two double-hung sash.

INELIGIBLE PROPERTIES

Based on the documentation submitted, the following properties do not appear to meet the criteria for listing to the State and National Registers:

Piano Factory at 455-463 West 45th Street/452-460 West 46th Street (06101.017170)

The Landmark Tavern at 626 Eleventh Avenue (06101.017172)

Please contact Kathy Howe at 518-237-8643 ext. 3266 with any questions. Be sure to use the project reference number (PR) in all future correspondence.



Robert S. Davis
 Direct: 212 541-2386
 Fax:: 212 541-1386
 rsdavis2@bryancave.com

July 21, 2009

VIA E-MAIL AND US MAIL

Beth Cumming
 Historic Preservation Field Services
 Bureau
 NYS Office of Parks, Recreation, and
 Historic Preservation
 Peebles Island, P.O. Box 180
 Waterford, NY 12188-0189

Dear Ms. Cumming:

We represent 44th Street Development LLC, the designated developer of a City-owned site bounded by 11th Avenue, West 44th Street, West 45th Street and an Amtrak right-of-way, in the Borough of Manhattan. I am writing to respond to a question that has been posed about the need for approval of the Federal Railroad Administration (the "FRA") in connection with decking over the "cut" above the Amtrak right-of-way.

We have in the past looked for published authority with respect to whether FRA needs to be involved in Amtrak's divestiture of a property right or whether FRA's approval would be required before a platform or footings were installed over tracks or in a right-of-way. We found no such authority and, indeed, were told by FRA that there is no such authority and that FRA would not be involved. (FRA does hold a mortgage on much of Amtrak's property, so that the execution of any document requiring a subordination of such a mortgage would require their consent.) We understand that similar conclusions were reached in connection with a project involving the redevelopment of the Hudson Yards, involving the same rail cut, further south in the Special Hudson Yards District.

As a result, we have concluded that the project is not subject to the requirements of the National Environmental Policy Act or the consultation requirements of Section 106 of the National Historic Preservation Act.

Bryan Cave LLP
 1290 Avenue of the Americas
 New York, NY 10104-3300
 Tel (212) 541-2000
 Fax (212) 541-4630
 www.bryancave.com

- Chicago
- Hamburg
- Hong Kong
- Irvine
- Jefferson City
- Kansas City
- Kuwait
- London
- Los Angeles
- Milan
- New York
- Phoenix
- San Francisco
- Shanghai
- St. Louis
- Washington, DC

Bryan Cave International Trade
 A TRADE CONSULTING SUBSIDIARY
 OF NON-LAWYER PROFESSIONALS

www.bryancavetrade.com

- Bangkok
- Jakarta
- Kuala Lumpur
- Manila
- Shanghai
- Singapore
- Tokyo

Bryan Cave Strategies
 A GOVERNMENT RELATIONS AND
 POLITICAL AFFAIRS SUBSIDIARY
 www.bryancavestrategies.com

- Washington, DC
- St. Louis

Beth Cumming
July 21, 2009
Page 2

Bryan Cave LLP

I trust this letter responds to your question. Please feel free to call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Davis". The signature is fluid and cursive, with a prominent initial "R" and "D".

Robert S. Davis, Esq.

cc: Melissa Pianko
Claudia Cooney
Patrick Blanchfield
Kenrick Ou

THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
1 Centre Street, 9N, New York, NY 10007 (212) 669-7700 www.nyc.gov/landmarks

ENVIRONMENTAL REVIEW

HOUSING PRESERVATION AND DEV./09HPD022M

4/2/2009

Project number

Date received

Project: W. 44 ST. AND 11 AVE. REZONING 592 11 AVENUE BBL 1010730001

Comments: The LPC is in receipt of Appendix A from the Draft EIS. We concur with the recommendations pertaining to archaeological resources.



4/9/2009

SIGNATURE

DATE

25307_FSO_ALS_04092009.doc

ENVIRONMENTAL REVIEW

HOUSING PRESERVATION AND DEV./09HPD022M

3/18/2009

Project number

Date received

Project: W. 44 ST. AND 11 AVE. REZONING 592 11 AVENUE BBL 1010730001

No architectural significance

No archaeological significance

Designated New York City Landmark or Within Designated Historic District

Listed on National Register of Historic Places

Appears to be eligible for National Register Listing

May be archaeologically significant; requesting additional materials

Comments:

For archaeology: Page 7-3 of the DEIS notes that a map showing locations of archeological potential is provided in Appendix X. Page 7-8 of the DEIS notes that a map showing locations of archeological sensitivity is provided in Appendix XX. These maps are currently missing from the DEIS text. Copies of the maps are needed before LPC can review this document.

Regarding historic resources, there are no LPC designated or LPC eligible properties on the site or in the radius. LPC concurs with the S/NR eligibility finding for P.S. 51. LPC defers to the SHPO regarding treatment for P.S. 51.

Cc: SHPO

3/30/2009

SIGNATURE

DATE



ENVIRONMENTAL REVIEW

ECONOMIC DEVELOPMENT CORP./01DME001M

12/2/2008

Project number

Date received

Project: B 1073 L 1 BBL 1010730001

No architectural significance

No archaeological significance

Designated New York City Landmark or Within Designated Historic District

Listed on National Register of Historic Places

Appears to be eligible for National Register Listing and/or New York City Landmark Designation

May be archaeologically significant; requesting additional materials

Comments: The LPC is in receipt of the, "Archaeological Documentary Study for 44th Street and Eleventh Avenue Ave, B 1073, L 1, Manhattan, New York," prepared by AKRF, Inc and dated November 2008.

The Commission concurs that portions of the lot may contain potentially significant archaeological resources and that, therefore, archaeological testing should be completed. Please submit the scope for such work to the LPC for review and approval before it begins. In addition, please submit two bound copies of the report and one electronic version on CD to the LPC for archival distribution.



12/18/2008

SIGNATURE

DATE