



**OFFICE OF ENVIRONMENTAL REMEDIATION**

100 Gold Street – 2nd Floor  
New York, New York 10038

**Mark P. McIntyre, Esq.**  
**Director**

Tel: (212) 788-8841

May 3, 2019

Re: Notice of Completion  
St Barnabas Wellness Care Project, Bronx, NY  
OER Site Number: 16CVCP069X

Dear Mr. Dishy:

The New York City Office of Environmental Remediation (OER) is pleased to inform you that the Remedial Action Report for the above-referenced site is hereby approved, allowing the Notice of Completion (NOC) to be issued for the site. Please find the Notice of Completion attached, the issuance date of which is May 3, 2019. Congratulations!

If you have any questions regarding any of these items, please contact me at 212-442-3007.

Sincerely,

Shaminder Chawla  
Deputy Director



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**NOTICE OF COMPLETION**

**Notice Holder(s):** David Dishy  
STB Owners LLC and STB Retail Owners LLC  
1865 Palmer Avenue, Suite 203  
Larchmont, NY 10538

**Site Information:** Site Name: St Barnabas Wellness Care Project  
Site Owner: David Dishy  
Street Address: 4451 3rd Avenue, Bronx, NY  
Block 3051, Lot 34 (Former Lots 28, 41, 43, 45, 40)  
OER Site Number: 16CVCP069X

**Project Description:** Redevelopment of the Site consists of a multi-story mixed-use building for healthcare, retail, and residential purposes, which is consistent with the existing zoning for the property. One (1) approximately 331,200-gross square feet building was constructed. The new Site building is multi-level and generally consists of a 7-story tower to the north and 11-story tower to the south which are connected by a 2-story building in the center. The new building contains approximately 209,500 square feet of residential apartments which provide 182 units, 9,900 square feet of retail space, 48,900 square feet of community health facility area, and 32,200 square feet of sub-grade cellar parking for resident use (128 car capacity). The majority of the building footprint was excavated down to 15 feet below grade surface (bgs) to accommodate the building cellar and foundational structures with the exception of a small portion along Third Avenue which was excavated to a depth of 8 feet bgs. The new building also contains three (3) elevator pits which required excavation down to 19 feet bgs. Groundwater is located approximately 24 feet bgs at the Site; therefore, localized dewatering was not required during excavation for the cellar level construction.

The cellar level consists of sub-grade resident parking, laundry facilities, management offices, utility rooms, and bike storage. Ground floor uses include residential lobbies, a community health facility, and three (3) retail spaces. The building footprint encompasses the full extent of the Site with the exception of an exterior concrete-paved ramp that provides automobile access to cellar level parking.

**Date of Voluntary  
Cleanup Agreement:** June 2, 2016

## **Notice Issuance**

This Notice of Completion, hereinafter referred to as the "Notice," is issued pursuant to Chapter 9 of Title 24 of the Administrative Code of the City of New York.

This Notice has been issued upon satisfaction of the Director, following review by the Office of the Remedial Action Report and data submitted pursuant to the Voluntary Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth at Section 1407 of Title 43 of the Rules of the City of New York have been achieved in accordance with the Remedial Action Work Plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses:

- Unrestricted Use
- Restricted Use:
  - Residential
  - Restricted Residential
  - Commercial
  - Industrial

## **Liability Limitation**

Upon issuance of this Notice of Completion, and subject to the terms and conditions set forth herein, the Notice holder(s) shall be entitled to the liability limitation provided in Section 906 of Title 24 of the administrative code of the City of New York. The liability limitation shall run with the land, extending to the Notice 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 Section 906 of Title 24 of the administrative code of the City of New York, and any other applicable provision of law.

In accordance with a Memorandum of Agreement between the New York State Department of Environmental Conservation and the New York City Mayor's Office of Environmental Remediation dated July 10, 2012, New York State Department of Environmental Conservation agrees that this site is of no further interest, and it does not plan or anticipate taking administrative or judicial action with regard to the property.

## **Notice of Transferability**

This Notice may be transferred to the Notice holder's successors or assigns upon transfer or sale of the Site as provided by section 906(c) of the administrative code of the City of New York.

## **Notice Modification/Revocation**

This Notice of Completion may be modified or revoked by the Director following notice in accordance with Section 43-1408(f) of the Rules of the City of New York 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 City Voluntary Cleanup Agreement;
- (2) 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 Voluntary Site Cleanup Agreement were reached; or

(3) there is good cause for such modification or revocation.

The Notice 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 isn't cured or a request for a hearing received within such 30-day period, the Notice shall be deemed modified or vacated on the 31<sup>st</sup> day after the Office notice.

Sincerely,



Shaminder Chawla  
Deputy Director  
New York City Office of Environmental Remediation

Date of Issuance: May 3, 2019  
Site No.: 16CVCP069X