



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

August 8, 2023

Roe Shua-Haim
Freehold S.L. Limited Partnership
150 Broadway, Suite 800
New York, NY 10038

Re: Notice of Completion
44 Victory Boulevard, Staten Island, NY
OER Site Number: 19CVCP054R

Dear Roe Shua-Haim:

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 August 8, 2023. 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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Director

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NOTICE OF COMPLETION

Notice Holder(s): Freehold S.L. Limited Partnership

Site Information: Site Name: 44 Victory Boulevard
Site Owner: Freehold S.L. Limited Partnership
Street Address: 44 Victory Boulevard, Staten Island, NY
Block 498, Lot 40
OER Site Number: 19CVCP054R

Project Description:

The redevelopment project consisted of demolition of the former site structure and the construction of a four- and six- story, approximately 25,716-square feet (footprint) building with a full cellar. The aboveground portion of the site structure is situated immediately along the northern, eastern, and western property boundaries. The first floor of the structure along Bay Street and Victory Boulevard is comprised of several retail units, and the cellar/subgrade level consists primarily of retail spaces, restrooms, employee areas, and utility closets. Parking areas are located in the southern and central portions of the site and beneath the second floor of the site structure to the west. No open spaces currently are present on the site. Excavation was conducted for the entire site for installation of the cellar. Excavation did not occur below groundwater and extended to a maximum depth of approximately 15.0 ft below ground surface (fbgs) along the western and northern portions of the site tapering to depths of 1.0 fbgs along Bay Street on the eastern portion of the site.

Date of Voluntary

Cleanup Agreement: June 5, 2020

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 (Track 2):
 - ☐ 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 31st day after the Office notice.

Sincerely,



Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation

Date of Issuance: August 8, 2023
Site No.: 19CVCP054R