



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

April 9, 2019

Mr. Samuel Dushey
540 Fulton Associates LLC c/o Jenel Management Corp.
275 Madison Avenue #1100
New York, NY 10016

Re: Notice of Completion
540 Fulton Street, Brooklyn, NY
OER Site Number: 17CVCP031K

Dear Mr. Olson:

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. NYSDEC and NYC DOHMH were briefed on this project on July 21, 2016. Please find the Notice of Completion attached the issuance date of which is April 1, 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): Mr. Samuel Dushey
540 Fulton Associates LLC c/o Jenel Management Corp.
275 Madison Avenue #1100
New York, NY 10016

Site Information: Site Name: 540 Fulton Street
Site Owner: Mr. Samuel Dushey
Street Address: 540 Fulton Street, Brooklyn, NY
Block 161, Lot 18
OER Site Number: 17CVCP031K

Project Description: The site previously consisted of a 15,000 square foot commercial and retail building. Redevelopment of the Site consisted of construction of a new 43-story mixed use building with a full cellar. Approximately 22,306.36 tons of soil was excavated and disposed of off-site. Track 2 Restricted Residential soil cleanup was achieved and included construction of an engineered composite cover system and installation of a vapor barrier as part of new development. NYSDEC and NYC DOHMH were briefed on this project on July 21, 2016.

**Date of Voluntary
Cleanup Agreement:** January 23, 2017

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:

<input type="checkbox"/>	Unrestricted Use (Track 1)
<input checked="" type="checkbox"/>	Restricted Use (Tracks 2):
<input type="checkbox"/>	Residential
<input checked="" type="checkbox"/>	Restricted Residential
<input type="checkbox"/>	Commercial
<input type="checkbox"/>	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: April 9, 2019

Site No.: 17CVCP031K