



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Shaminder Chawla
Acting Director

Tel: (212) 788-8841

May 29, 2024

Jeffery Sullivan
Alloy Development
20 Jay Street, Suite 1003
Brooklyn, NY 11201

Re: Notice of Completion
80 Flatbush Avenue – Phase 1
489 State Street (School) and 90 Flatbush Avenue (Tower), Brooklyn, NY
OER Site Number: 20CVCP023K

Dear Jeffery Sullivan:

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 29, 2024. Congratulations!

To apply for a Brownfield Incentive Grant (BIG) cleanup grant, submit a grant application within 6 months of the NOC issuance date. More information is available at:

<https://www.nyc.gov/site/oer/grants/big-grants.page>.

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

Sincerely,

Shaminder Chawla
Acting Director



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NOTICE OF COMPLETION

Notice Holder(s): Flatbush Phase 1 Venture, LLC
100 Flatbush Developer, LLC
Alloy Development Holdings, LLC
Alloy Phase 1 Sponsor, LLC
AREG CIP Flatbush Holdco LLC
Flatbush Phase 1 Holdings, LLC
Flatbush Phase 1 Mezz, LLC
Flatbush Residential Tenant, LLC
Flatbush Retail Tenant, LLC
378 Schermerhorn Street LLC
80 Flatbush Avenue, LLC
110 Flatbush Avenue, LLC

Site Information: **Site Name:** 80 Flatbush Avenue – Phase 1
Site Owner:
Block 174, Lot 7501: The Flatbush School Condominium
Block 174, Lot 7502: The 100 Flatbush Tower Condominium
Street Address: 489 State Street (School) and 90 Flatbush Avenue (Tower),
Brooklyn, NY
Block 174, Lots 7501 and 7502 (formerly Lots 18, 23, 24, part of 1, part of 9,
part of 13)
OER Site Number: 20CVCP023K

Project Description:

80 Flatbush Avenue – Phase 1 includes:
a school (Block 174, Lot 7501); and
a tower (Block 174, Lot 7502).

School:

Redevelopment of Block 174, Lot 7501 includes construction of a new 10-story mixed-use institutional (public school) and commercial building with a cellar level that encompasses the entire site footprint. The 10-story building is partially used as a public school by the NYC Department of Education (DOE) and partially used for retail space. The southern part of the cellar is used as a gymnasium for the school and the northern part is used for retail space. The southern part of the ground floor is used as an auditorium for the school and the northern part is used for retail space. All of the floors above ground level are used exclusively for the school.

Site redevelopment required demolition of existing structures, removal of demolition debris, removal of existing concrete and/or brick foundation walls and slabs, and excavation of soil/fill to reach redevelopment grade. A total of 38,545.26 tons ($\pm 25,100$ cubic yards [CY]) of nonhazardous soil/fill were excavated during construction. Excavated soil/fill was transported and disposed of off-site in accordance with local, state, and federal laws and regulations.

Excavation extended to three different depths: 1) about 22 feet beneath sidewalk grade (bsg) (about el. 18) in an about 10,000-square-foot area starting in the northern part of the site to facilitate installation of the about 6-inch-thick reinforced concrete foundation slab; 2) about 14 feet bsg (about el. 26) in an about 15,000-square-foot area in the southern part of the site to facilitate installation of the about 6-inch-thick reinforced concrete foundation slab; and 3) about 30 feet bsg (about el. 10) in four about 50-square-foot areas and one about 300-square-foot area to install ejector pits and/or elevator cores. No construction dewatering was required during excavation and foundation construction.

Imported virgin aggregates were used to backfill behind the new building foundation walls along the northern, southern and western borders of the site. Imported virgin aggregates were also placed across the entirety of the site footprint serving as a gas-permeable aggregate layer for the active sub-membrane depressurization (SMD) system, a long-term Engineering Control (EC). This was performed in accordance with the OER-approved Soil/Materials Management Plan (SMMP), OER-approved RAWP, and applicable laws and New York State Department of Environmental Conservation (NYSDEC) regulations.

Tower:

Redevelopment of Block 174, Lot 7502 includes the construction of a new 44-story mixed-use residential and commercial tower with two cellar levels that encompasses the entirety of the site footprint. Site redevelopment required removal of demolition debris, removal of existing concrete and/or brick foundation walls and slabs, and excavation of soil/fill to reach redevelopment grade. A total of 19,990.03 tons ($\pm 12,680$ cubic yards [CY]) of non-hazardous soil/fill were excavated during construction. Excavated soil/fill was transported and disposed of off-site in accordance with local, state, and federal laws and regulations.

Excavation to facilitate installation of the about 5-foot-thick rebar enforced concrete foundation slab extended to three different depths; 1) about 22 feet below sidewalk grade (bsg) (about el. 18) in an about 9,000 square foot area along the northeastern part of the site to the western part of the site; 2) about 24 feet bsg (about el. 16) in an about 2,000 square foot area in the southwestern part of the site, and; 3) about 31.5 feet bsg (about el. 8.5) in an about 1,500 square foot area in the center of the site to facilitate installation of elevator cores. No dewatering was required during excavation.

The tower includes residential, retail and amenity spaces. The two cellar levels are used for storage, building systems, and retail space. The ground floor is partially open to the first cellar floor along the northern portion of the site and is partially used for storage, building systems, retail space, and staffing quarters. New site utilities and connections (e.g., water, storm, sanitary, electric and telecommunication) were constructed and installed for the new building.

Imported aggregates and sand were used to backfill between the new building foundation walls and support of excavation (SOE) elements that were installed in the State Street and Flatbush Avenue sidewalks. This was performed in accordance with the OER-approved Soil/Materials Management Plan (SMMP), applicable laws and New York State Department of Environmental Conservation (NYSDEC) regulations.

Date of Voluntary

Cleanup Agreement: March 10, 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 school (Block 174, Lot 7501) has achieved a cleanup level that would be consistent with the following categories of uses:

☐ Unrestricted Use
☒ Restricted Use:
 ☐ Residential
 ☒ Restricted Residential (Track 4)
 ☐ Commercial
 ☐ Industrial

The remedial program for the tower (Block 174, Lot 7502) has achieved a cleanup level that would be consistent with the following categories of uses:

☐ Unrestricted Use
☒ Restricted Use:
 ☐ Residential
 ☒ Restricted Residential (Track 2)
 ☐ 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

Acting Director

New York City Office of Environmental Remediation

Date of Issuance: May 29, 2024
Site No.: 20CVCP023K