



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Shaminder Chawla
Acting Director
Tel: (212) 788-8841

February 27, 2024

Joshua Markovics, Managing Member
FT 5402 LLC
2250 58th Street, Suite #801
Brooklyn, NY 11204

Re: Notice of Completion
5402 Fort Hamilton Parkway, Brooklyn, NY
OER Site Number: 22CVCP003K

Dear Mr. Joshua Markovics:

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 February 27, 2024. Congratulations!

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

Sincerely,

Shaminder Chawla
Acting Director



OFFICE OF ENVIRONMENTAL REMEDIATION
100 Gold Street – 2nd Floor
New York, New York 10038

Shaminder Chawla
Acting Director
Tel: (212) 788-8841

NOTICE OF COMPLETION

Notice Holder(s): FT 5402 LLC

Site Information: Site Name: 5402 Fort Hamilton Parkway
Site Owner: FT 5402 LLC
Street Address: 5402–5410 Fort Hamilton Parkway, Brooklyn, NY
Block 5673, Lots 42 (Former Lots 42 and 50)
OER Site Number: 22CVCP003K

Project Description: The development project consists of constructing a new 7-story community facility commercial building with a full cellar. The northern 25 feet will be a concrete capped rear yard and a 10-foot-wide ramp for the cellar parking will be located to the west of the building with the entrance along Fort Hamilton Parkway. The basement level will be comprised of a parking garage with 27 parking spaces. The 1st floor will consist of 5,998 ft² retail space and a 3,896 ft² community facility including common area. The 2nd through 7th floor will be community facility. To facilitate construction of the new building, the entire Site was excavated to a minimum of 2 feet below grade. The area within the cellar footprint was excavated to a depth of 12 feet with deeper excavation to 16 feet for the elevator pit, and to approximately 20 feet to remove a hotspot in a 35 foot by 35-foot area. Additionally sloped excavation will be performed for the Vehicular Ramp from grade to the base of excavation at approximately 12 feet below grade. 9,879.82 were excavated for remedial removal and the building's construction. The water table is approximately 45-50 ft below grade surface (bgs).

**Date of Voluntary
Cleanup Agreement:** April 13, 2022

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 4):
 - Residential
 - Restricted Residential
 - Commercial (Track 4)

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: February 27, 2024
Site No.: 22CVCP003K