



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

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

Tel: (212) 788-8841

June 1, 2022

Daniel Berger, Senior Vice President, Construction  
BOP Greenpoint H-3 LLC  
250 Vesey Street, 15<sup>th</sup> Floor  
New York, NY 10281  
dan.berger@brookfield.com

Re: Notice of Completion  
Greenpoint Landing H3, Brooklyn, NY  
OER Site Number: 19CVCP043K

Dear Daniel Berger:

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 11, 2022. 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):** Daniel Berger, Senior Vice President, Construction  
BOP Greenpoint H-3 LLC  
250 Vesey Street, 15<sup>th</sup> Floor  
New York, NY 10281

**Site Information:** Site Name: Greenpoint Landing H3  
Site Owner: Daniel Berger, BOP Greenpoint H-3 LLC  
Street Address: 45 COMMERCIAL STREET, Brooklyn, NY  
Block 2472, Lots 475, 200, 100 (partial) - Former, 55 (partial)  
OER Site Number: 19CVCP043K

**Project Description:** The development on Parcel H3 includes a 31-story residential tower atop a 2-story podium with a cellar footprint of 31,417 square feet, an outdoor hardscaped terrace, a sloped landscaped area, and a waterfront park that will be transferred to the New York City Department of Parks and Recreation (NYCDPR). The building includes 289 market-rate, 107 inclusionary, and 18 affordable housing units and a gross building area of 383,671 square feet. The cellar is used for parking, storage, and building systems. The outdoor hardscaped terrace for residents and a sloped landscaped area is located on the eastern side of the site.

The shoreline at the boundary of Block 2472, Lot 55 and Lot 475 was stabilized with a new steel sheet pile wall and rip-rap revetment and an adjoining 13-foot-wide concrete slab-on grade walkway was constructed on Lot 475 in accordance with New York State Department of Environmental Conservation (NYSDEC), United States Army Corps of Engineers, and New York City Small Business Services permits; the waterfront construction work was completed in 2016 and 2017.

A total of 20,660.1 tons of excess non-hazardous fill and 258.26 tons of hazardous lead-impacted fill were excavated during the development of Parcel H3. Excavated soil and fill were transported and disposed of off-site in accordance with local, state, and federal laws and regulations. Dewatering was necessary during construction to accommodate excavation of foundation components.

Imported soil and fill were used to construct and/or raise the grade in the utility corridors, shoreline, landscaped areas, and waterfront park/esplanade to achieve final development grades. This was performed in accordance with the NYCOER-approved Soil/Materials Management Plan, applicable laws and NYSDEC regulations.

**Date of Voluntary  
Cleanup Agreement:** February 25, 2019

**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: June 1, 2022  
Site No.: 19CVCP043K