



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

November 7, 2019

Mr. Sam Chang
McSam Hotel Group, LLC
420 Great Neck Road
Great Neck, New York 11021

Re: Notice of Completion
350 West 39th Street, New York, NY
OER Site Number: 17CVCP010M

Dear Mr. Chang,

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 was briefed on the site in September 2016. Please find the Notice of Completion attached, the issuance date of which is November 7, 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. Sam Chang
McSam Hotel Group, LLC
420 Great Neck Road
Great Neck, New York 11021

Site Information: Site Name: 350 West 39th Street
Site Owner: 38-89 Holdings LLC c/o McSam Hotel Group LLC
Street Address: 350 West 39th Street, New York, NY
Block 762, Lot 67 (formerly p/o Lot 6)
OER Site Number: 17CVCP010M

Project Description: The Site is 12,343 square feet and prior to redevelopment consisted of an office building and a parking lot. Redevelopment of the Site consisted of the construction of a new 25-story hotel with a full cellar and paved outdoor setback. Remediation of this Site included construction of an engineered composite cover system and installation of an active sub-slab depressurization system and vapor barrier system, which will be inspected and certified under a Site Management Plan. NYSDEC was briefed on the site in September 2016.

**Date of Voluntary
Cleanup Agreement:** October 12, 2016

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 (Track 1)
☒ Restricted Use (Track 4):
☐ Residential
☐ Restricted Residential
☒ Commercial

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: November 7, 2019
Site No.: 17CVCP010M