



August 28, 2020

OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

Re: Notice of Completion
843 Lexington Avenue, Brooklyn, NY
OER Site Number: 15CVCP088K

Dear : The Marcal Group / Nate

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 August 28, 2020. Congratulations!

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

Sincerely,

Shaminder Chawla
Deputy Director



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

NOTICE OF COMPLETION

Notice Holder(s): 843 Lexington Holdings LLC
620 Foster Avenue
Brooklyn, NY 11230

Site Information: Site Name: 843 Lexington Avenue
Site Owner: 843 Lexington Holdings LLC
Street Address: 843 Lexington Avenue, Brooklyn, NY
Block 1623, Lot 73
OER Site Number: 15CVCP088K

Project Description: The development consisted of a new 7-story mixed-use building with a partial cellar. The cellar contains a 1,463 ft² residential storage room, a 936 ft² recreational room, a 340 ft² bicycle storage area, a 276 ft² compactor room, bathrooms, a hot water heater room, a telecommunication room, gas meter room, water meter and sprinkler room, electrical room, a stairwell and an elevator. The first floor consists of a 2,187 ft² retail space, a residential lobby, refuse room, one bathroom, an elevator, stairwells, a residential corridor, and a rear 21-car private parking garage. A portion of parking garage is covered by the second floor. The second through sixth floors consist of residential apartments. The seventh floor features an exercise room, an outdoor recreational space, a refuse room, a bathroom, an elevator and stairwell. The total gross building square footage is 41,333.7 ft².

Excavation for the cellar level for the new building took place across approximately 5,000 ft² of the Site to a depth of 10 feet below grade (bg). The remainder of the Site was excavated to 2 ft below grade for the for the perimeter driveway. Sloped excavation was performed from the base of the foundation to the driveway excavation.

**Date of Voluntary
Cleanup Agreement:** July 20, 2015

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 |
| <input checked="" type="checkbox"/> | Restricted Use (Track 4): |
| <input type="checkbox"/> | Residential |
| <input checked="" type="checkbox"/> | Restricted Residential (Track 4) |
| <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,

A handwritten signature in black ink, appearing to read "Shaminder Chawla". The signature is fluid and cursive, with the first name "Shaminder" and last name "Chawla" clearly distinguishable.

Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation

Date of Issuance: August 28, 2020
Site No.: 15CVCP088K