



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841

August 7, 2018

Re: Notice of Completion
1328 Fulton Street, Brooklyn, NY
OER Site Number: 14CVCP192K

Dear Meredith Marshall:

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 7, 2018. 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): BSRC – Neighborhood Home, Housing Development Fund Corporation
1368 Fulton Street
Brooklyn, NY 11216

Site Information: Site Name: 1328 Fulton Street
Site Owner: Meredith Marshall
Street Address: 1328 Fulton Street, Brooklyn, NY
Block 1861, Lot 119
OER Site Number: 14CVCP192K

Project Description: The Site was redeveloped as a new 10-story concrete and brick facade mixed-use rental building. This new development replaced a former vacant lot, which was being used as a parking lot, with a mixed use retail and community facility and fifty-seven (57) studio, one, two, and three bedroom rental units. The proposed cellar, sub-cellar and 1st floor will encompass the entire lot, 115.21 ft. wide by 100 ft. deep, with the sub-cellar foundation floor 25 ft. below grade. The cellar, which is 11,521 square feet, will be used for commercial space, and vehicle parking. The sub-cellar, which is also 11,521 square feet, will be used for vehicle parking, trash room, tenant storage, and bicycle parking. The first floor is 10,020 square feet and is used for commercial retail space, commercial storage, residential lobby and commercial lobby. The second floor is a common area and exterior terrace. Floors three through 10 are residential apartments. The current zoning designation is C4-5D which is a commercial district that permits residential, commercial, and community facility buildings.

To facilitate new construction, the entire Site was excavated to a depth of 27.5 feet below surface grade.

**Date of Voluntary
Cleanup Agreement:** August 1, 2014

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 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 and last name clearly distinguishable.

Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation

Date of Issuance: August 7, 2018
Site No.: 14CVCP192K