



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Daniel Walsh, Ph.D.**  
**Director**

Tel: (212) 788-8841

December 16, 2016

Mr. Alex Adjmi  
CA 5-15 West 125<sup>th</sup> LLC  
c/o ACHS Management Corp.  
1412 Broadway, 3<sup>rd</sup> Floor  
New York, NY 10018

Re: Notice of Completion  
8 West 126<sup>th</sup> Street (5 West 125<sup>th</sup> Street), New York, NY  
OER Site Number: 11EHAN269M/ VCP Project # 13CVCP115M

Dear Mr. Adjmi:

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 this project in August 29, 2013. NYCDOHMH approved the remedy in March 20, 2013. Please find the Notice of Completion attached, the issuance date of which is December 16, 2016. 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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New York, New York 10038

**Daniel Walsh, Ph.D.**  
**Director**

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**NOTICE OF COMPLETION**

**Notice Holder(s):** Mr. Alex Adjmi  
CA 5-15 West 125th LLC  
c/o ACHS Management Corp.  
1412 Broadway, 3rd Floor  
New York, NY 10018

**Site Information:** Site Name: 5 West 125<sup>th</sup> Street  
Site Owner: CA 5-15 West 125th LLC  
Street Address: 8 West 126<sup>th</sup> Street (5 West 125<sup>th</sup> Street), New York, NY  
Block 1723, Lot 31 (Formerly Lots 31, 45 & 144)  
OER Site Number: 11EHAN269M/ VCP Project # 13CVCP115M

**Project Description:** The Site has been redeveloped with a new six (6)-story mixed-use commercial and residential building consisting of three (3) floors and a cellar for retail use, and three (3) floors for residential use. Mechanical rooms and T.J. Maxx Retail Store are located in the cellar. The foundation of the building was installed at 17 feet and 6 inches below surface sidewalk grade (6.5 feet below existing site grade). The elevator installed in the new development is approximately 20 feet and 6 inches below street grade. No landscaped or open areas exist on the Subject Property. The building is setback 12'-3" from the curb on 125th Street and 13'-1" from the curb on 126th Street. [no setbacks?] The building and cellar occupies the entire footprint of the lot. A total of 8,070 tons of soil/fill was excavated and disposed off-Site. Groundwater was encountered during excavation for the construction of the building cellar and dewatering was required. NYSDEC was briefed on this project in August 29, 2013. NYCDOHMH approved the remedy in March 20, 2013.

**Date of Voluntary  
Cleanup Agreement:** April 5, 2013

**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:

<u>      </u>	Unrestricted Use (Track 1)
<u>  X  </u>	Restricted Use (Tracks 2):
<u>      </u>	Residential
<u>  X  </u>	Restricted Residential
<u>      </u>	Commercial
<u>      </u>	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,

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: December 16, 2016  
Site No.: 13CVCP115M