



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841

December 4, 2015

Roger Bittenbender
59 South 4th LLC
134 Spring Street, Suite 305
New York, NY 10012

Re: Notice of Completion
59 South 4th Street, Brooklyn, NY
OER Site Number: 14CVCP237K

Dear Bittenbender:

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 December 4, 2015. 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

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841

NOTICE OF COMPLETION

Notice Holder(s): Roger Bittenbender
59 South 4th LLC
134 Spring Street, Suite 305
New York, NY 10012

Site Information: 59 South 4th Street
Roger Bittenbender
Street Address: 1-6 Wythe Lane (Former 51-59 South 4th Street), Brooklyn, NY
Block 2428, Lot(s) 28, 29, 30, 33, 34, and 35
OER Site Number: 14CVCP237K

Project Description:

The Site was historically developed with three 1-story warehouses between 1965 and 1977. The property has been occupied by trucking companies, a sheet metal company, scrap metal companies, grocery store, residential buildings, and a scrap metal recycling company.

The Site is now developed with six 4-story single-family houses with cellars. Each house is constructed as a 4-story single-family structure with shared party walls. Each house has been developed on a 16'8" by 75' lot. The new addresses of the houses are defined as 1 to 6 Wythe Lane. The houses on 1 to 5 Wythe Lane have cellars and the bottom of the slab is between 9'8" and 12'1" below grade. The house on 6 Wythe Lane has a cellar and a sub-cellar and the bottom of the slab is 18' below grade. A shared sub-grade garage is accessed via driveway under 6 Wythe Lane and 1 to 5 Wythe Lane backyards. The backyards collectively measure 30'x100', and sit on top of the concrete roof for the garage. The backyards are made of concrete and there is no exposed soil at the Site.

The entire lot was excavated to varying depths from 9'8" to 18' below grade. A total of 4,887.71 tons of soil were removed during the construction. Heating and air conditioning for the houses is provided by air source heat pumps with condensers on the roof and air handlers throughout each house. Each house has its own Heat Recovery Ventilation system located on the 3rd floor and hot water heater located in the cellar mechanical room. All units contain their individual electric washer and dryer. The project also contains common elements that include a shared driveway, sub grade parking garage that occupies the basements, and a shared Mews walkway that constitutes Wythe Lane. The concrete backyards that sit on top of the garage are used as outdoor recreation space. The current zoning designation is M1-2/R6. The use is consistent with existing zoning for the property.

Date of Voluntary

Cleanup Agreement: May 30, 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 (Track 1)
- ☐ Restricted Use (Tracks 2 and 4):
 - ☐ 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".

Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation

Date of Issuance: December 4, 2015
Site No.: 14CVCP237K