



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

March 9, 2022

BE Bronx Builders, LLC and Stagg Group
PO Box 9
Purchase, NY 10577

Re: Notice of Completion
140-148 West Fordham Road, Bronx, NY
OER Site Number: 20CVCP087X

Dear Jay Martino/Mark Stagg:

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 March 9, 2022. 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): BE Bronx Builders, LLC and Stagg Group
PO Box 9
Purchase, NY 10577

Site Information: Site Name: 140-148 West Fordham Road
Site Owner: One Forty West Fordham Road, LLC
Street Address: 148 West Fordham Road, Bronx, NY
Block 3225, Lot 108
OER Site Number: 20CVCP087X

Project Description: The new development at the Site consists of a 7-story, 54-unit apartment building with a full cellar below grade for part of the Site, indoor parking in the cellar and the first floor, outdoor parking and an elevator pit. The cellar contains mechanical rooms, recreational rooms and indoor parking (6 spaces), the first floor consists of a laundry room, a lobby and common residential amenities as well as indoor parking (8 spaces). The second through seventh floors contain 54 residential units and a bicycle room on each floor. The entire site is capped with building slab and in the rear parking area, concrete slab and asphalt.

The cellar required excavation to 11 feet below sidewalk grade on West Fordham (bgs) to the bottom of footings (97.75 feet asl) and the finished cellar slab is set at 9 feet bgs (99.75 feet asl). The elevator pit was excavated to 16 feet bgs (92.75 feet asl). Site remedial excavation in the outdoor parking area in the western portion of the Site extended into non-homogeneous bedrock that required removal of all rock outcrops, to 2-3 feet bgs (105.85 feet to 106.75 feet asl).

Date of Voluntary

Cleanup Agreement: February 8, 2021

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,



Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation