



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

April 12, 2019

Hershy Beigel
5111 4th Avenue Equity Realty Holdings LLC
5014 16th Avenue, Ste 362
Brooklyn, NY 11204

Re: Notice of Completion
5111 4th Avenue, Brooklyn, NY
OER Site Number: 15CVCP115K

Dear 5111 4th Avenue Equity Realty Holdings LLC:

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 April 12, 2019. 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): Hershy Beigel
5111 4th Avenue Equity Realty Holdings LLC
5014 16th Avenue, Ste 362
Brooklyn, NY 11204

Site Information: Site Name: 5111 4th Avenue
Site Owner: 5111 4th Avenue Equity Realty Holdings LLC
Street Address: 5111 4th Avenue, Brooklyn, NY
Block 799, Lot 6
OER Site Number: 15CVCP115K

Project Description: The Site redevelopment consisted of an alteration, which converted the existing two-story and cellar storefront to a two-story with full cellar physical culture establishment (commercial use). The alteration included a 5-foot horizontal extension with full cellar, which completed the redevelopment with 100% lot occupancy. All three floors of the building occupy the entire footprint of the 5,000-s.f. Site. The main entrance into the building is level at grade and is from 4th Avenue, there are no off-street parking spaces, landscaping or open areas on the Site. The first floor of the building consists of a 607-s.f. lobby, a 117-s.f. office, 76-s.f. storage room, 2,176-s.f. gym area, an elevator and two sets of stairs. The second floor of the building consists of mainly a 3,643-s.f. gym area, an elevator and two sets of stairs. The cellar floor of the building consists of a 1,613-s.f. gym area, a 170-s.f. utility room, a 100-s.f. break room, 158-s.f. storage room, 499-s.f. yoga room, a 1,030-s.f. men's locker room with showers and toilets, a 1,038-s.f. women's locker room with showers and toilets, an elevator and two sets of stairs. The roof of the building is primarily flat and was completed with an elevator with attached mechanical room together with two stair access/exits, three air conditioning units and an exhaust fan. The maximum excavation depth at the site was approximately 15-feet below ground surface, which was intended for the new cellar, foundation, footings and new steel columns. The volume of excavated materials (soil and concrete) was approximately 2,300-cubic yards. Excavation at the Site did not encounter any groundwater. The water table at the Site is greater than 75-feet below grade surface as identified in the RI.

**Date of Voluntary
Cleanup Agreement:** April 30, 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:

<u> </u>	Unrestricted Use
<u> x </u>	Restricted Use:
<u> </u>	Residential
<u> </u>	Restricted Residential
<u> x </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 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: April 12, 2019
Site No.: 15CVCP115K