



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

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

Tel: (212) 788-8841

1/3/2017

Mr. Michael Kertzner  
Webster Commons, LLC  
40 Fulton Street, 21<sup>st</sup> Floor  
New York, NY 10038

Re: Notice of Completion  
Webster Commons (Buildings A and B)  
3560 Webster Avenue, Bronx, NY  
OER Site Number: 12CVCP050X

Dear Mr. Michael Kertzner:

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 September 2012. NYCDOHMH approved the remedy in July 2012. Please find the Notice of Completion attached, the issuance date of which is January 03, 2017. 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):** Mr. Michael Kertzner  
Webster Commons, LLC  
40 Fulton Street, 21<sup>st</sup> Floor  
New York, NY 10038

**Site Information:** Site Name: Webster Commons (Buildings A and B)  
Site Owner: HPDC2 Housing Development Fund, C/O Housing Partnership Development Corp  
Street Address: 242 West 36TH Street, New York, NY  
Block 3360, Lots 70 and 76  
OER Site Number: 12CVCP050X

**Project Description:** The Site consisted of a 39,013 square-foot vacant lot. Historically, the site had been vacant since sometime between 1914 and 1945. The development converted the vacant site into two (2) 13-story residential buildings including 248 low- and middle-income units, a day care center, and below grade parking. NYSDEC was briefed on this project in September 2012. NYCDOHMH approved the remedy in July 2012.

**Date of Voluntary  
Cleanup Agreement:** September 14, 2012

**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:

  x   Restricted Use (Tracks 4):  
         Residential  
      x   Restricted Residential  
         Commercial

**Liability Limitation**

OER Project Numbers: 11TMP0212X, 11RA-N212X, 12CVCP050X  
PM: Maurizio Bertini

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,



Shaminder Chawla  
Deputy Director  
New York City Office of Environmental Remediation

Date of Issuance: January 3, 2017  
Site No.: 12CVCP050X