



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Mark P. McIntyre, Esq.**  
**Director**

Tel: (212) 788-8841

January 28, 2021

Shimon Drummer  
1428 Fulton St LLC  
1428 Fulton Street,  
Brooklyn, NY 11216

Re: Notice of Completion  
1426-1438 Fulton Street AKA 293-297 Herkimer Street, Brooklyn, NY  
OER Site Number: 12CVCP045K

Dear Mr. Drummer:

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 February 18, 2021. 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):** Fulton Street Holdings LLC  
390 Berry Street, Suite 200  
Brooklyn, NY 11249

**Site Information:** Site Name: 1426-1438 Fulton Street AKA 293-297 Herkimer Street  
Site Owner: 1428 Fulton St LLC  
Street Address: 1426 Fulton Street, Brooklyn, NY  
Block 1863, Lot 10 (Former Lots 9, 10, 15)  
OER Site Number: 12CVCP045K

**Project Description:** Redevelopment plans consisted of the construction of two new buildings designated as Building A and Building B, which cover the entire footprint of the Site. Building A (11-story mixed use building) fronts Fulton Street. Building B (7-story residential building) fronts Herkimer Street. Building A and Building B have a full shared cellar that occupies the entire footprint of the Site. A portion of the cellar is utilized as a single/joined parking garage. Access to the parking garage is provided by a ramp that enters from Herkimer Street. The remainder of the cellar space consists of the utility/meter rooms, bicycle storage and trash compactor rooms for buildings, as well as the super's office and parking lot attendant's booth. No residential areas are located within the cellar. The 1st floor of Building A consists of an 11,790 ft<sup>2</sup> commercial area, and a 1,177 ft<sup>2</sup> residential lobby. The 2nd through 11th floors consist of residential apartments. The first floor of Building B will consist of a 525 ft<sup>2</sup> residential lobby, the ramp for the cellar level parking garage, and a 526 ft<sup>2</sup> recreation room, which opens to the 854 ft<sup>2</sup> shared open-air recreation courtyard located behind Building B. The 2nd through 7th floors consist of residential apartments. Excavation for the shared cellar for the two new buildings extended to a minimum depth of 12 feet below sidewalk grade with additional excavation to depths greater than 15 feet below grade for each of the footings, and 18 feet below grade for the elevator pit for both buildings. The total volume of soil that was excavated for the construction and installation of the foundation and cellar for the two buildings was 15,453.98 tons. The water table was not encountered during excavation.

**Date of Voluntary  
Cleanup Agreement:** July 22, 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:

<input type="checkbox"/>	Unrestricted Use
<input checked="" type="checkbox"/>	Restricted Use:
<input type="checkbox"/>	Residential
<input checked="" type="checkbox"/>	Restricted Residential
<input type="checkbox"/>	Commercial
<input type="checkbox"/>	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 and last name clearly distinguishable.

Shaminder Chawla  
Deputy Director  
New York City Office of Environmental Remediation

Date of Issuance: February 18, 2021  
Site No.: 12CVCP045K