



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

June 19, 2019

Re: Notice of Completion
89-141 Melrose Street (Rheingold Block 3152 South), Brooklyn, NY
OER Site Number: 15CVCP073K

Dear Mr. Schwimer:

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 June 19, 2019. 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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

NOTICE OF COMPLETION

Notice Holder(s): Yoel Schwimer
Evergreen Gardens LLC
199 Lee Avenue, Suite 693
Brooklyn, NY 11211

Site Information: Site Name: 89-141 Melrose Street (Rheingold Block 3152 South)
Site Owner: Yoel Schwimer, Evergreen Gardens LLC
Street Address: 123 Melrose Street, Brooklyn, NY
Block 3152, Lots 48 (Former Lots 2, 3 (partial), 35, 36 (partial), 37, 38, 41, 43,
44, 45, 56, 58, 62, 63, 64, 66)
OER Site Number: 15CVCP073K

Project Description: A new 9-story residential apartment building with a full cellar level has been constructed at the Site. The new building's subcellar covers the entire footprint of the lot, and consists of parking with commercial storage space, mechanical space, and residential amenity spaces. The residential amenity spaces on the subcellar level consists of tenant bike storage, tenant laundry rooms, tenant screening, tenant spa, tenant lounge, tenant locker rooms. The cellar level on the west two thirds of the building consists of residential amenity spaces such as indoor pool, gym, game rooms, bowling alley, and lounge spaces for tenants. The east one third of the cellar space will be occupied as retail space. The first floor on the northwest corner of the building consists of apartments and the remaining western two thirds of the building consists of tenant bike storage, gym, and residential lobby with package and mail rooms. The east one third of the ground floor will have more retail space with tenant bike storage and residential recreation room. The second through eighth floors of the building will be residential apartments.

Excavation was required to a minimum depth of 25 feet across the entire Site, with excavation to a minimum depth of 35 ft in the southwestern portion of Lot 48. Additional excavation of 4 to 8 ft of soil below the subcellar excavation was performed for the new buildings elevator pits and 4ft thick footings.

**Date of Voluntary
Cleanup Agreement:** May 13, 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:

- ☒ 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,

A handwritten signature in black ink, appearing to read "Shaminder Chawla". The signature is fluid and cursive, with the first name "Shaminder" and last name "Chawla" clearly distinguishable.

Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation

Date of Issuance: June 19, 2019
Site No.: 15CVCP073K