



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

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

Tel: (212) 788-8841

January 13, 2023

Lee Cohen  
BHLD 996 Manhattan Avenue LLC  
81 Prospect Place, Suite 9063  
Brooklyn, NY 11217

Re: Notice of Completion  
996 Manhattan Avenue, Brooklyn, NY  
OER Site Number: 19CVCP040K

Dear Mr. Lee Cohen:

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 January 13, 2023. 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):** BHLD 996 Manhattan Avenue LLC  
81 Prospect Place, Suite 9063  
Brooklyn, NY 11217

**Site Information:** Site Name: 996 Manhattan Avenue  
Site Owner: BHLD 996 Manhattan Avenue LLC  
Street Address: 996 Manhattan Avenue, Brooklyn, NY  
Block 2523, Lot 1  
OER Site Number: 19CVCP040K

**Project Description:** The redevelopment project consisted of redeveloping the lot with an 8-story mixed-use commercial/residential building with a partial cellar level below the building footprint. The cellar covers approximately 47% of the footprint of the Site. The cellar level consists of commercial retail space, storage space, and the building's utility/meter rooms. The first floor consists of retail space, a residential lobby, and residential apartments. The second through eighth floors consist of residential apartments.

The top of the cellar slab was constructed at a depth of 8.5 to 9 feet below grade. Therefore, 47% of the Site was excavated to a depth of 11 feet below grade to construct the new building's cellar. Additional excavation to a depth of approximately 15 feet below grade was performed for an elevator pit. The front portion of the site was excavated on a slope from grade to 11 ft and then backfilled back up to grade with recycled concrete aggregate (RCA). The rear yard of the site was excavated on a slope from grade to the cellar area depth of 11ft and then backfilled back up to grade with recycled concrete aggregate (RCA). A total of 1,234.92 tons of non-hazardous soil and fill were removed during this remedial action. From December 31, 2019 to November 17, 2020.

The water table was expected at approximately 14 feet below grade surface (bgs) and was not encountered during excavation. The current zoning designation is R7A with commercial overlay of C2-4. The new use is consistent with the existing zoning for the property.

**Date of Voluntary  
Cleanup Agreement:** April 19, 2019

## **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>  x  </u>	Residential (Track 2)
<u>    </u>	Restricted Residential
<u>    </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 31<sup>st</sup> 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: January 13, 2023  
Site No.: 19CVCP040K