



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

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

Tel: (212) 788-8841

July 27, 2018

Anthony Gurino  
Tahoe Development Corp.  
82-17 153<sup>rd</sup> Avenue  
Howard Beach, NY 11414

Re: Notice of Completion  
221 East 138th Street, Bronx, NY  
OER Site Number: 16CVCP011X

Dear Mr. Gurino:

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 5, 2018. 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):** Anthony Gurino  
Tahoe Development Corp.  
82-17 153<sup>rd</sup> Avenue  
Howard Beach, NY 11414

**Site Information:** Site Name: 221 East 138th Street  
Site Owner: Anthony Gurino  
Street Address: 221 East 138th Street, Bronx, NY  
Block 2340, Lot 56 (Former Lots 56 and 58)  
OER Site Number: 16CVCP011X

**Project Description:** The new development at the Site consists of a new 10-story mixed-use commercial and residential building with slab on grade. The new building is approximately 7,000 square feet in net zoning area and occupies the entirety of the property with the exception of a 30 foot x 100 foot rear yard located in the northern portion of the Site. The first floor is capped with an 8-inch thick concrete slab and the rear yard is paved with a 3-inch asphalt cover. The first floor consists of two (2) commercial retail units encompassing approximately 3,500 square feet, a residential lobby and recreation space encompassing approximately 400 square feet. The remaining area of the first floor is occupied by refuse storage, a gas meter room, an electrical meters and equipment room and a mechanical closet. The rear yard is utilized for car and bicycle parking. Floors 2-10 contain a total of 47 residential units. The entire Site perimeter was excavated to the depth of 4 feet below grade established from the curb elevation along Canal Place to the west and also to the depth of 7 feet below the Site grade within the limits of three 10-foot diameter drywells installed in the rear parking area. Soil was also removed to the depth of 8.3 feet below the Site grade for the elevator pit.

The new development at the Site is consistent with the current NYC zoning designation of M1-4/R7X for the property.

OER briefed NYSDEC and NYCDOHMH on June 23, 2016. NYC DOHMH approved remedial action on January 6, 2017.

**Date of Voluntary  
Cleanup Agreement:** February 8, 2016

## **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 (Track 4):
  - 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 31<sup>st</sup> day after the Office notice.

Sincerely,



Shaminder Chawla  
Deputy Director  
New York City Office of Environmental Remediation

Date of Issuance: July 27, 2018  
Site No.: 16CVCP011X