



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Acting Director

Tel: (212) 788-8841

September 24, 2018

Re: Notice of Completion
445-453 West 35th Street, Manhattan, NY
OER Site Number: 14CVCP220M

Dear Mr. Weiss:

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 September 24, 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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New York, New York 10038

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Acting Director

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NOTICE OF COMPLETION

Notice Holder(s): Eli Weiss, YYY West 36th Street LLC

Site Information: Site Name: 445-453 West 35th Street
Site Owner: Eli Weiss; YYY West 36th Street LLC
Street Address: 445 West 35th Street, Manhattan, NY
Block 733, Lots 8, 9 - Former, 58 - Former
OER Site Number: 14CVCP220M

Project Description: The redevelopment consists of the construction of a multi-story, mixed-use residential and commercial building and a partial cellar. The southern half of the site consists of 12 stories with an approximate 10,500 sf below-grade cellar. The northern half of the site consists of 10 stories with no below-grade cellar. The area of the entire site is approximately 14,454 sf and the building footprint encompasses approximately 13,322 sf of the site. Additionally, approximately 53 sf of the site located in the northeast corner and 1,082 sf of the site located along the eastern boundary consist of open space covered by a concrete sidewalk.

Mechanical rooms, gymnasium rooms, storage rooms, a trash compactor room, and a community facility space occupy the partial first level. The first level is a partial cellar in which the southern half of the site is below grade surface (bgs) and the northern half of the site is at grade surface. Commercial space (retail store), a recreation space, a mail room, and a lobby occupy the first floor of the southern half of the site and a lobby and residential apartments occupy the first floor of the northern half of the site. Residential apartments occupy the second floor and the eighth through twelfth floors. Roof terraces are present on the second and eighth through twelfth floors. There are a total of 120 residential units ranging from studios to three (3) bedrooms. Additionally, mechanical rooms, elevator, and stairway bulkheads are present above the twelfth floor.

Date of Voluntary

Cleanup Agreement: June 25, 2014

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> </u> | Residential |
| <u> x </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 31st day after the Office notice.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shaminder Chawla".

Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation

Date of Issuance: September 24, 2018
Site No.: 14CVCP220M