



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark McIntyre
Director

Tel: (212) 788-8841

October 11, 2018

Mr. Abe Noy,
310 Group, LLC
336 East 59th Street
New York, NY 10022

Re: Notice of Completion
310 West 40th Street, New York, NY
OER Site Number: VCP Project # 14CVCP203M

Dear Mr. Noy:

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 December 5, 2016. 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

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841

NOTICE OF COMPLETION

Notice Holder(s): Mr. Abe Noy,
310 Group, LLC
336 East 59th Street
New York, NY 10022

Site Information: Site Name: 310 West 40th Street
Site Owner: 310 Group, LLC
Street Address: 310 West 40th Street, New York, NY
Block 763, Lot 47
OER Site Number: 14CVCP203M

Project Description: The redevelopment of the Site included the construction of a 39-story hotel. The new building footprint covers the entire lot as a 7-story platform for the overhead tower. The design incorporates a single cellar level that has been excavated to approximately 15 feet below ground surface (ft bgs). Three passenger elevator pits were also excavated and extend to approximately 26 ft bgs, and a single freight elevator pit now extends to approximately 17 ft bgs. Excavation for the cellar and elevator pits generated 6,700.54 tons of non-hazardous material. The cellar will contain offices, a locker room, a prep kitchen, a gym, and utility rooms. The current zoning designation is C6-4, which is characterized by high-bulk commercial use. The redevelopment is consistent with existing zoning for the property. NYSDEC was briefed on this project in January 17, 2013. NYCDOHMH approved the remedy in February 24, 2014.

**Date of Voluntary
Cleanup Agreement:** December 23, 2009

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:

 x Unrestricted Use (Track 1)

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,



Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation

Date of Issuance: December 5, 2016
Site No.: 14CVCP203M