



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841

June 30, 2016

Re: Notice of Completion
180 Myrtle Avenue
OER Site Number: 14CVCP215K

Dear Mr. Catsimatidis:

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 30, 2016. 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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NOTICE OF COMPLETION

Notice Holder(s): Red Apple 180 Myrtle Development, LLC
823 11th Avenue
New York, NY 10019

Site Information: Site Name: 180 Myrtle Avenue
Site Owner: Red Apple 180 Myrtle Development, LLC
Street Address: 180 Myrtle Avenue, Brooklyn, NY
Block 2061, Part of Lot 1
OER Site Number: 14CVCP215K

Project Description: Development of the site consisted of the construction of a 15-story L-shaped building on a two-story podium with a full cellar. The building footprint occupies the entire site. The cellar level consists of an attended parking garage, storage rooms, a staff lounge, and maintenance facilities. The first floor consists of commercial retail units, a lobby, bicycle storage, a community facility, and an attended parking garage. The second floor consists of residential apartment units, amenity space, and a landscaped outdoor terrace. The remaining floors above the second floor consist of residential apartment units. The building footprint spans an area of about 29,000 square feet, covers the entire site footprint, and was excavated to about 17.5 to 20 feet below grade. The bottom of the cellar floor slab is at about 20 feet below grade (ft bg), or elevation (el) 8, for the 36-inch mat slab portion and at about 17.5 ft bg, or el 10.5, for the 5-inch foundation slab portion. An elevator pit and sump pit required deeper excavation, to a depth of about 24.5 and 22.5 ft bg, respectively (about el 3.5 and 5.5, respectively). The use is consistent with existing zoning for the property.

**Date of Voluntary
Cleanup Agreement:** February 20, 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:

- 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 being more prominent.

Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation

Date of Issuance: June 30, 2016
Site No.: 14CVCP215K