



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Shaminder Chawla
Acting Director
Tel: (212) 788-8841

December 12, 2023

875 Fourth Avenue Acquisition LLC
Toby Moskovits
679 Driggs Avenue
Brooklyn, NY 11211

Re: Notice of Completion
875 4th Avenue, Brooklyn, NY
OER Site Number: 18CVCP013K

Dear Mr. Moskovits:

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 12, 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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Shaminder Chawla
Acting Director

Tel: (212) 788-8841

NOTICE OF COMPLETION

Notice Holder(s): 875 Fourth Avenue Acquisition LLC
679 Driggs Avenue
Brooklyn, NY 11211

Site Information: Site Name: 875 4th Avenue
Site Owner: 875 Fourth Avenue Acquisition LLC
Street Address: 875 4th Avenue, Brooklyn, NY
Block 681, Lots 1, 6 - Former
OER Site Number: 18CVCP013K

Project Description: A new 8-story residential building with full cellar is being constructed at the Site. The cellar floor consists of accessory residential spaces accessible from each of the 1st floor apartments, a children's playroom, a trash compactor room, three residential tenant storage rooms, utilities, laundry room, and parking. The first floor consists of the residential lobby with two mailbox rooms, package room, and business lounge, a recreational room, an exercise room, and residential apartments. An outdoor courtyard is located behind the rear of the building above the cellar level parking garage, and the parking garage ramp for the cellar level parking is located behind the building and enters/exits from 32nd Street. The 2nd through 8th floors consists of residential apartments.

The majority of the cellar required excavation to approximately 17'-8" below sidewalk grade. The remaining portion of the cellar (area of the inner courtyard / outdoor recreation space) required excavation to approximately 16'-4". Additional deeper excavation to 22'-2" was performed for the two elevator pits. A total of 25,421.57 tons of non-hazardous soil and fill was removed during this remedial action.

Date of Voluntary

Cleanup Agreement: November 8, 2017

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 (Track 4)
☐ 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,



Shaminder Chawla

Deputy Director

New York City Office of Environmental Remediation

Date of Issuance: December 12, 2023

Site No.: 18CVCP013K

OER Project Numbers: 16EH-A242K / 18CVCP013K
PM: Zach Schreiber