



OFFICE OF ENVIRONMENTAL REMEDIATION
100 Gold Street – 2nd Floor
New York, New York 10038

Daniel Walsh, Ph.D.
Director
Tel: (212) 788-8841
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August 19, 2015

Red Apple Real Estate
823 Eleventh Avenue
New York, NY 11019
Attention: Maria Rosenfeld

Re: Notice of Completion
81 Fleet Place
Brooklyn, NY 11201
OER Site Number: 13CVCP094K

Dear Ms. Rosenfeld,

The New York City Office of Environmental Remediation (OER) is pleased to inform you that the Remedial Action Report for the above site is hereby approved, allowing the Notice of Completion (NOC) to be issued for the site. Enclosed please find one original Notice of Completion, the issuance date of which is August 19, 2015.

If you have any questions regarding this, please contact Ms. Shana Holberton at (212)788-3220.

Sincerely,

Shaminder Chawla
Deputy Director

Cc:
Dan Walsh
Shana Holberton
Mark McIntyre



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NOTICE OF COMPLETION

August 19, 2015

Notice Holder(s): RA Real Estate, Inc.
823 Eleventh Avenue
New York, NY 11019
Attention: Maria Rosenfeld

Site Information: Site Name: 81 Fleet Place
Site Owner: Red Apple Myrtle Avenue Development, LLC
Street Address: 81 Fleet Place
Block: 2061, Lot 110
OER Site Number: 13CVCP094K

Site Description: Redevelopment at the Site consisted of 15-story mixed use commercial and residential building with two levels of sub-grade parking. The building covers approximately 78% of the lot. The footprint of the new building is enrolled in the City Voluntary Cleanup Program (see attached Figure). The remaining 22% of the lot (the eastern and southern edge of the property) is not developed because of sewer and electrical easements and is capped with asphalt. Approximately 35,453 tons of soil were excavated and disposed of off-site. Remediation of this site includes installation of vapor barrier.

**Date of Voluntary
Cleanup Agreement:** February 4th, 2013

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, data submitted pursuant to the Voluntary Cleanup Agreement, and other relevant information regarding the Site, that the remediation requirements set forth Section 1407 of Title 43 of the Rules of the City of New York have been achieved in accordance with the time frames, if any, established in the remedial 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 (Track 1)
 Restricted Use (Tracks 4): *[If restricted use, check one of following]*
 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 (NYSDEC) and the New York City Mayor's Office of Environmental Remediation dated July 10, 2012, NYSDEC 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

Cc:
Dan Walsh
Shana Holberton
Mark McIntyre

Date of Issuance: August 19, 2015
Site No.: 13CVCP094K
OER PM: Shana Holberton

Figure 1: Building Footprint

