



Christopher Marte

紐約市市議員馬泰 Council Member, District 1

district1@council.nyc.gov

Office location pending

April 13, 2022

Constadino Sirakis
Commissioner, New York City Department of Buildings
280 Broadway
New York, NY 10007

Mark McIntyre, Esq.
Director and General Counsel
New York City Office of Environmental Remediation
100 Gold Street, 2nd Floor
New York, NY 10038

Subject: Pausing Construction at 265 South Street to Prioritize Required Remediation

Dear Commissioner Sirakis and Director McIntyre,

I write to you urgently to request that construction at 265 South Street be paused until remediation of the toxic soil on site be conducted and the safety of the surrounding community be prioritized.

Filings for foundation work (Job No. M00558120) have been approved and permitted for two towers proposed directly adjoined to the existing Section 8 buildings at 265 and 275 Cherry Street. An E Designation (OER Project No. 21TMP1088M) has also been placed on the site, requiring the developer to remediate contaminants in the soil including petroleum and heavy metals.

The proposed development has also qualified for the 421a tax abatement, which has an expiration date of June 15, 2022. In order to qualify for this tax abatement, the developer has rushed through their approval process, and has explicitly requested partial approval of foundation filings in order to install a foundation pile and meet this 421a deadline. The Department of Buildings has followed this request for partial approval, issuing permits for the foundation work while the general construction filing for the same building is still in objection.

Today, pile installation began on site with no sign of commencement of remediation of the toxic soil below the existing parking lot. The developer has rushed this entire process, prioritizing a

tax abatement over the immediate health and safety of surrounding residents, hundreds of whom live directly adjacent to the toxic soil. There is also a restrictive declaration on site, which requires the retention of an independent construction monitor prior to any construction commencement. This independent monitor has not been retained or approved by the City, and thus this construction is in violation of the restrictive declaration.

It is not only the responsibility of the Department of Buildings to ensure that building and construction codes are adhered to, but that the health and safety of all New Yorkers is protected and prioritized. By allowing the developer to conduct construction to qualify for 421a on a contaminated site before remediation has even begun jeopardizes the health and safety of neighboring families whose homes are separated from the site by only a wooden construction fence.

I demand that the construction work be immediately paused, and that remediation and the required safety protections associated be conducted and completed before any further construction work continues.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Marte", with a large, sweeping flourish extending to the right.

Christopher Marte
New York City Council Member