



Ari Goldstein
Extell Development Company
805 3rd Ave, 7th Floor
New York, NY 10022-7586

May 28, 2025

Dear Ari Goldstein,

The Department of Environmental Conservation (DEC) has reviewed the revised variance application you submitted regarding the Extell project, pursuant to Section 494-1.8(a) of Title 6 of New York Codes, Rules and Regulations. The application erroneously refers to a prohibition date for the applicable system of January 1, 2027, rather than January 1, 2026 per Section 494-1.4(e)(2)(vi). However, this project qualified for the exemption in Section 494-1.5(12) that extended the prohibition to January 1, 2027 as the required building permits were secured prior to the effective date of the regulation.

The initial application was deemed incomplete on May 16, 2025 and DEC provided a list of items that would be needed in a complete application. DEC has determined that your revised application submitted on May 22, 2025 is complete for the purposes of the impossibility variance and is waiving the 30-day public comment period based on your request.

DEC finds that Extell Development Company met the criteria for an Impossibility Variance such that a compliant substance is not currently or potentially available, a variance will not increase the overall risk to human health or the environment, and Extell Development Company used best efforts to anticipate and address the impossibility. Specifically, Extell Development Company meets these criteria through its commitment to complete the installation of the prohibited equipment in the timeline anticipated in the variance application and prior building permits and by implementing the mitigation practices identified in the variance application to reduce greenhouse gas (GHG) emissions and address climate change impacts.

DEC is issuing the following variance. For the project at 740 Eighth Avenue identified in the Extell Development Company variance application dated May 22, 2025, the prohibition on the installation of VRF systems using R-410a is suspended until January 1, 2028 on the condition that the Compliance Plan and Mitigation Plan are implemented as presented in that application. This includes limiting leakage of R-410a from the VRF systems to no more than the rate(s) estimated in the application. DEC reserves the right to confirm that the Compliance Plan and Mitigation Plan are implemented as required.

If you have any questions, please contact Office of Climate Change at climate.regs@dec.ny.gov.

A handwritten signature in cursive script that reads "M Leddy".

Maureen Leddy
Director, Office of Climate Change
NYS Department of Environmental Conservation