



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Daniel Walsh, Ph.D.**  
**Director**

Tel: (212) 788-8841

June 18, 2015

Mr. David Schwartz  
490 Myrtle Residential Owner LLC  
825 3rd Avenue, 37th Floor  
New York, NY 10022

Re: Notice of Completion  
490 Myrtle Ave, Brooklyn, NY  
OER Site Number: 13CVCP109K

Dear Mr. Schwartz:

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 July 18, 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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**NOTICE OF COMPLETION**

**Notice Holder(s):** Mr. David Schwartz  
490 Myrtle Residential Owner LLC  
825 3rd Avenue, 37th Floor  
New York, NY 10022

**Site Information:** Site Name: 490 Myrtle Ave, Brooklyn, NY  
Site Owner: 490 Myrtle Residential Owner LLC  
Street Address: 490 Myrtle Ave, Brooklyn, Borough, NY  
Block 1905, Lot 7502 (Former Lot 19)  
OER Site Number: 13CVCP109K

**Project Description:** The Site is located at 490 Myrtle Avenue in the Clinton Hill section in Brooklyn, New York and is identified as Block 1905, Lot 7502 on the New York City Tax Map. This Site is a rectangular shaped parcel approximately 19,500 square feet in size and has been developed into a 7-story mixed use commercial/residential building with cellar. The cellar and the first floor are occupied by two commercial units and the upper second to seventh floors are occupied by residential units.

**Date of Voluntary  
Cleanup Agreement:** June 28, 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 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 (Track 1)  
☒ Restricted Use (Track 4):  
☐ 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 31<sup>st</sup> day after the Office notice.

Sincerely,



Shaminder Chawla  
Deputy Director  
New York City Office of Environmental Remediation

Date of Issuance: July 18, 2016  
Site No.: 13CVCP109K