



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841

January 9, 2017

Arun K. Agarwal
AYG Enterprises, LLC
2383 McDonald Avenue
Brooklyn, NY 11223

Re: Notice of Completion
32-04 38th Avenue, Brooklyn, NY
OER Site Number: 13CVCP143Q

Dear Mr. Agarwal:

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. NYSDEC was briefed on this project in August 1, 2013. NYCDOHMH approved the remedy in July 9, 2013. Please find the Notice of Completion attached, the issuance date of which is January 5, 2017. 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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New York, New York 10038

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NOTICE OF COMPLETION

Notice Holder(s): Arun K. Agarwal
AYG Enterprises, LLC
2383 McDonald Avenue
Brooklyn, NY 11223

Site Information: Site Name: 32-04 38th Avenue
Site Owner: AYG Enterprises, LLC
Street Address: 32-04 38th Avenue, Brooklyn, NY
Block 381, Lot 9
OER Site Number: 13CVCP143Q

Project Description: A new 6-story mixed-use building with a full cellar level parking garage has been constructed at the Site. Layout of the site redevelopment is presented in Figure 3. The current zoning designation for the Site is M1-2/R6A. The use is consistent with existing zoning for the property.

The new 6-story building and cellar occupies the entire footprint of the lot. The full cellar consists of the parking garage ramp that enters from 32nd Street, parking spaces for 9 cars, a bicycle storage room, trash compactor room, meter rooms, and the building's stairwells and elevator. The first floor space consists of a 2,238.7 ft² commercial space, residential lobby, the parking garage ramp, and a handicap accessible parking area that enters/exits from 38th Avenue. The 2nd through 5th floors consist of residential units and the 6th floor consists of indoor recreational space, an outdoor recreational space, and a bedroom for one of the 5th floor apartments.

The top of the concrete cellar slab was installed a depth of approximately 9.3 feet below sidewalk level. Therefore, the entire Site required excavation for the cellar to a depth of approximately 11 feet below grade. Additional excavation to a depth of approximately 16 feet was performed for the elevator pit. A total of approximately 3,190.56 tons of non-hazardous historic fill material and soil was excavated for the new building.

NYSDEC was briefed on this project in August 1, 2013. NYCDOHMH approved the remedy in July 9, 2013.

**Date of Voluntary
Cleanup Agreement:** July 29, 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:

- ☒ Restricted Use (Tracks 2):
 - ☐ 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 31st day after the Office notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Shaminder Chawla".

Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation

Date of Issuance: January 9, 2017
Site No.: 13CVCP143Q