



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

March 15, 2022

Re: Notice of Completion
169 Livonia Avenue, Brooklyn, NY
OER Site Number: 20CVCP045K

Dear Elaine Braithwaite & Jeffery Feldman:

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 March 15, 2022. 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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Director

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NOTICE OF COMPLETION

Notice Holder(s): Elaine Braithwaite & Jeffery Feldman

Site Information: Site Name: 169 Livonia Avenue
Site Owner: MGX Associates Phase 1 LLC
Street Address: 169 Livonia Avenue, Brooklyn, NY
Block 3573, Lots 1 (partial) - Former, 70
OER Site Number: 20CVCP045K

Project Description:

The redevelopment of the 14,100 SF Site consisted of an eight-story mixed use building which includes 78 affordable-rate residential apartments as well as supportive housing/community space, first-floor retail, and a landscaped open-area courtyard.

The building footprint is 10,723 SF and is set back from the south Site boundary by approximately 5-10 feet and portions of the building are also set back from the east and west Site boundaries by approximately five feet. The development also included a partial cellar of 5,599 SF with a general excavation of 13 feet below land surface (ft bls) with a localized deeper excavation for foundation footings and an elevator pit to 17 ft bls. The building cellar is used for back of house spaces such as storage, utility rooms, and a stormwater detention tank. The remaining 5,124 SF building footprint is a slab-on-grade design with a general excavation depth of four ft bls with localized excavations of up to five to seven ft bls or nine to 11 ft bls for foundation installation. Concrete sidewalk was installed for the areas between the building footprint and Site boundary across the Site and amounts to a total of 1,727 SF. A total of 1,650 SF of open space/landscaped area underlain by native soil and was also installed with excavations down to two ft bls.

Site development also included the installation of a large network of geothermal wells across the Site for heating and cooling the building. The geothermal well network consists of 45 geothermal wells, each drilled to approximately 480 ft bls, spaced approximately 20 feet apart and interconnected with a high-density polyethylene (HPDE) piping network located approximately four ft bls.

**Date of Voluntary
Cleanup Agreement:** December 26, 2019

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:

<input type="checkbox"/>	Unrestricted Use
<input checked="" type="checkbox"/>	Restricted Use (Track 2):
<input type="checkbox"/>	Residential
<input checked="" type="checkbox"/>	Restricted Residential
<input type="checkbox"/>	Commercial
<input type="checkbox"/>	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: March 15, 2022
Site No.: 20CVCP045K