



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Shaminder Chawla
Acting Director

Tel: (212) 788-8841

October 26, 2023

Joel Schwartz
Graham Assets LLC
183 Wilson Avenue, #133
Brooklyn, NY 11211

Re: Notice of Completion
322 Graham Avenue, Brooklyn, NY
OER Site Number: 19CVCP099K

Dear Joel 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 October 26, 2023. Congratulations!

If you have any questions regarding any of these items, please contact me at 212-442-3007.

Sincerely,

Shaminder Chawla
Acting Director



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NOTICE OF COMPLETION

Notice Holder(s): Graham Assets LLC

Site Information: Site Name: 322 Graham Avenue
Site Owner: Graham Assets LLC
Street Address: 322 Graham Avenue, Brooklyn, NY
Block 2771, Lot 7
OER Site Number: 19CVCP099K

Project Description: The development includes the construction of a new five-story residential building with mezzanine and a cellar. The building covers 65% of the Lot, an approximate area of 1,625 sqft area and the rest of the lot area (875 sqft) consists of a rear yard which is covered with approximately two feet of gravel. The building contains a total of ten dwelling units with units at the fourth and fifth floors that will be opened to upper mezzanines.

The depth of excavation was approximately 10-11 feet below grade surface (ft bgs) within the entire proposed building footprint to accommodate the cellar level and approximately 15 ft-bgs at the elevator pit location. Excavation was not performed in the rear yard. The cellar contains mechanical and laundry rooms, and accessory uses for the first-floor residential units. The water table is between 17.87 and 25.0 feet below grade surface (bgs) and was not encountered during excavation. A total of 1,643.67 tons of soil/fill was excavated and removed from the property.

Date of Voluntary

Cleanup Agreement: November 14, 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:

- ☐ Unrestricted Use
- ☒ 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 31st day after the Office notice.

Sincerely,



Shaminder Chawla
Acting Director
New York City Office of Environmental Remediation