



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Mark P. McIntyre, Esq.**  
**Director**

Tel: (212) 788-8841

August 21, 2023

Anthony Kayafas  
Kayafas Contracting Company  
64-11 Broadway  
Woodside, NY 11377

Re: Notice of Completion  
31-07 38th Avenue, Queens, NY  
OER Site Number: 16CVCP002Q

Dear Mr. Anthony Kayafas:

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 August 21, 2023. 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):** Kayafas Contracting Company  
64-11 Broadway  
Woodside, NY 11377

**Site Information:** Site Name: 31-07 38th Avenue  
Site Owner: Marathon Associates LLC  
Street Address: 31-07 38th Avenue, Queens, NY  
Block 373, Lot 2 (Formerly part of Lot 1)  
OER Site Number: 16CVCP002Q

**Project Description:**

The Site was redeveloped with a new 6-story mixed-use commercial and residential building with a footprint of approximately 5,500 square feet. The new building incorporates portions of the existing building, including the 1<sup>st</sup> floor rear section, and an existing partial cellar; the existing building was expanded into the southwest portion of the Site parcel, and included additional vertical construction above. The redevelopment program included subdividing historic Lot 1 into two lots (Lots 1 and 2), with the new building occupying the entirety of Lot 2. The total area of the building is approximately 20,700 square feet, including 16,800 square feet of residential space and 3,900 square feet of commercial space. The redevelopment required excavation in the southwestern portion of the Site, to extend the existing partial cellar to a depth of approximately 12 feet below ground surface (bgs), for construction of the new building's cellar. For the passenger elevator pit and areas where footings for columns and foundations walls were installed, excavation for footings extended to a depth of approximately 17 feet bgs. Additional excavation was conducted in the eastern portion of the Site to a depth of 5 feet bgs, for a vehicle elevator pit; and for installation of one (1) sub-slab depressurization system (SSDS) below the cellar slab and one (1) SSDS below the portion of the building without a cellar (rear section). A total of 1,516.87 tons of soil was removed from the Site and properly disposed at two (2) appropriately licensed or permitted facilities in New Jersey, including 1,375.98 tons at the P Park facility in Prospect Park and 140.89 tons at the Soil Safe Inc. Metro 12 facility in Carteret. In addition, 181 cubic yards of clean soil were transferred from the Site to two (2) New York City-owned locations and one privately-owned location, through the New York City Clean Soil Bank.

The new Site building maintains a partial cellar that houses mechanical and utility equipment rooms for both the residential and commercial spaces, and a passenger elevator for use by the residential tenants. The ground floor is utilized primarily for commercial space and additionally maintains a residential lobby and vehicle elevator. The second floor is utilized for parking, with utility space on the 1-story roof. Floors above (third through sixth) maintain residential units. The roof and roof bulkhead maintain utility spaces.

**Date of Voluntary**

**Cleanup Agreement:** August 10, 2018

**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 31<sup>st</sup> day after the Office notice.

Sincerely,



Shaminder Chawla

Deputy Director

New York City Office of Environmental Remediation

Date of Issuance: August 21, 2023

Site No.: 16CVCP002Q