



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

August 31, 2021

Shulem Kessler
Lorimer Homes LLC
199 Lee Avenue, Suite 376
Brooklyn, NY 11211

Re: Notice of Completion
167 Lorimer Street, Brooklyn, NY
OER Site Number: 17CVCP043K

Dear Mr. Shulem Kessler:

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 31, 2021. 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): Shulem Kessler
Lorimer Homes LLC
199 Lee Avenue, Suite 376
Brooklyn, NY 11211
skessler@wmcap.com

Site Information: Site Name: 167 Lorimer Street
Site Owner: Shulem Kessler
Street Address: 169 Lorimer Street, Brooklyn, NY
Block 2242, Lots 46, former Lot 47
OER Site Number: 17CVCP043K

Project Description: A new 4-story residential building with a cellar, sub-grade areaway and sub-grade parking spot has been constructed at the Site. The building and cellar are set back 3 ft from the sidewalk and the first floor and cellar occupy the following 67 ft of the lot. The remaining 30 ft is a sub-grade areaway connected to the cellar. The cellar level contains accessory storage spaces and building utilities. The first floor consists of a recreation space and a residential unit. This first floor is raised above sidewalk grade by approximately 6 ft. The second through fourth floors consists of residential units.

The top of the 24-inch thick concrete slab was constructed at a depth of approximately 6.2 ft. Therefore, the majority of the site was excavated to depths as great as 10 ft below sidewalk grade. The 3 ft front setback was sloped to the installed shoring. A total of 2,030.16 tons of non-hazardous petroleum contaminated soil/urban fill material were removed during this Remedial Action.

Date of Voluntary

Cleanup Agreement: February 24, 2017

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:
☐ 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
Deputy Director
New York City Office of Environmental Remediation