



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

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

Tel: (212) 788-8841

September 15, 2020

Re: Notice of Completion  
263 Bedford Avenue - DOB Job No. NB-320321219, Brooklyn, NY  
OER Site Number: 12CVCP051K

Dear : John Hermanowski

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 September 15, 2020. 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):** John Hermanowski  
166-25 Powells Cove Blvd, Whitestone NY 11357

**Site Information:** Site Name: 263 Bedford Avenue - DOB Job No. NB-320321219  
Site Owner: John Hermanowski  
Street Address: 263 Bedford Avenue, Brooklyn, NY  
Block 2366, Lot 1  
OER Site Number: 12CVCP051K

**Project Description:** A new six-story mixed use building with a full cellar level has been constructed across the majority of the Site. The current zoning designation for the Site is M1-2/R6A. The use of the new building is consistent with existing zoning for the property.

The top of the new cellar slab was installed at a depth of approximately 10 feet below sidewalk grade (from Bedford Avenue), which required excavation across the entire Site to a depth of at least 11 feet below sidewalk grade. A total of approximately 2,623.59 tons of fill material/soil was excavated for the new building.

The cellar level consists of a large accessory use/storage area, and the building's gas meter room, electrical and telecommunication room, sprinkler room, trash room, boiler room, bicycle parking room and a small storage room. The first floor of building consists of a retail/store, and the residential lobby. A concrete parking lot is constructed over the cellar behind the building. The second through sixth floors consist of residential apartments.

**Date of Voluntary  
Cleanup Agreement:** June 12, 2012

**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 (Track 2) |
| <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 31<sup>st</sup> day after the Office notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Shaminder Chawla". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Shaminder Chawla  
Deputy Director  
New York City Office of Environmental Remediation

Date of Issuance: September 15, 2020  
Site No.: 12CVCP051K