



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

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

Tel: (212) 788-8841

October 29, 2021

Nestor Varela  
39-08 29<sup>th</sup> Street, LLC  
39-39 29<sup>th</sup> Street,  
Queens, NY 11101

Re: Notice of Completion  
39-04 29<sup>th</sup> Street, Queens, NY  
OER Site Number: 19CVCP070Q

Dear Mr. Varela:

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 29, 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):** Nestor Varela  
39-08 29<sup>th</sup> Street, LLC  
39-39 29<sup>th</sup> Street,  
Queens, NY 11101

**Site Information:** Site Name: 39-04 29<sup>th</sup> Street  
Site Owner: 39-08 29<sup>th</sup> Street, LLC  
Street Address: 39-04 29<sup>th</sup> Street, Queens, NY  
Block 398, Lot 26 (Former Lots 26 & 27)  
OER Site Number: 19CVCP070Q

**Project Description:** The Site redevelopment consisted of the construction of a new 6-story mixed-use building with a full basement spanning the entire building footprint. The new building includes commercial uses on the ground floor and part of the second floor, and 20 residential apartments on the second through sixth floors. The basement includes utility rooms and 13 parking spaces. The total area of the Site is 7,550-square feet and the building footprint covers the entire Site area. The upper floors of the building maintain a 25-foot setback on the southeastern side of the property, along 29th Street. Excavation of soils to approximately 12 to 14 feet below grade surface (bgs) across the footprint of the Site was required with localized deeper excavations (up to approximately 17 feet bgs) for footings and an elevator pit. The current zoning designation is M1-2/R5D, allowing for mixed residential, community facility, commercial, and light industrial uses on 29th Street between 40th Avenue and 29th Avenue. The Site's use is consistent with existing zoning for the property.

**Date of Voluntary  
Cleanup Agreement:** January 27, 2021

**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:

x   Unrestricted Use (Track 1)  
      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 31<sup>st</sup> day after the Office notice.

Sincerely,



Shaminder Chawla  
Deputy Director  
New York City Office of Environmental Remediation