



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

July 27, 2021

27-10 37th Avenue LLC
70 Lafayette St, 4th Floor
New York, NY 10013

Re: Notice of Completion
27-10 37TH AVE, Queens, NY
OER Site Number: 20CVCP050Q

Dear Damien Smith:

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 July 27, 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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New York, New York 10038

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Director

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NOTICE OF COMPLETION

Notice Holder(s): 27-10 37th Avenue LLC
70 Lafayette Street, 4th Floor
New York, NY 10013

Site Information: Site Name: 27-10 37th Avenue
Site Owner: 27-10 37th Avenue LLC
Street Address: 27-10 37TH AVE, Queens, NY
Block 369, Lot 14
OER Site Number: 20CVCP050Q

Project Description: The project consisted of redeveloping the lot to a new 6-story mixed-use commercial and residential building with a partial cellar. The cellar (approximately 24 x 43 feet) covers 33% of the building footprint. The 1st floor covers the entire lot. A 25 x 54 foot area on the west side of the 1st floor and a 6.5 x 35 foot area on the south east side of the 1st floor are slab on grade. The cellar floor consists of a mechanical room and a trash compactor room. The first floor has been developed with commercial space. The second to sixth floors are developed with residential tenant spaces and utility rooms.

The cellar level was excavated to 13 ft below sidewalk grade (5 ft below former cellar depth). Additional excavation to a depth of 18 feet below sidewalk grade was conducted for the elevator pit. The 1st floor slab on grade area was excavated to a depth of 4 feet bsg.

The water table is approximately 40 feet below sidewalk grade, and therefore was not encountered during excavation. The current zoning designation is M1-2 and R6A with no commercial overlay.

**Date of Voluntary
Cleanup Agreement:** February 3, 2020

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:
<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 31st 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 "Shaminder" and last name "Chawla" clearly distinguishable.

Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation

Date of Issuance: July 27, 2021
Site No.: 20CVCP050Q