



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

August 14, 2023

Ralph Fasano, President
Concern for Independent Living, Inc.
312 Expressway Drive South
Medford, NY 11763

Re: Notice of Completion
2337 Pitkin Avenue, Brooklyn, NY
OER Site Number: 20CVCP019K

Dear Ralph Fasano:

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 14, 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): Concern for Independent Living, Inc.

Site Information: Site Name: 2337 Pitkin Avenue
Site Owner: Concern Pitkin LLC (beneficial owner)
Concern Pitkin Housing Development Fund Corp. (legal owner)
Street Address: 2337 Pitkin Avenue, Brooklyn, NY
Block 3998, Lot 30 (Former Lots 30 and 32)
OER Site Number: 20CVCP019K

Project Description:

The development project consisted of the construction of a new six-story residential building with a partial cellar. The building is 62 feet tall (72-feet with bulkhead) and covers approximately 6,260 square-feet of the Site. The current primary zoning designation is R7A/C2-4 and EC5, denoting the property as a residential district with a medium-density commercial overlay within a special enhanced commercial district. The proposed use is consistent with existing zoning for the property.

The new building contains an approximately 4,120-square-foot partial cellar at the northern portion of the building that has a fitness room, laundry room, bicycle and building storage, and utilities/maintenance rooms. The southern portion of the first floor contains a community room, program room, computer room/library, medical dispensary, consultation room, conference room and two offices, and the northern portion of the first floor contains three residential units. Floors 2 through 6 each contain 11 residential units (58 units total). The residential units include both Affordable Independent Residences for seniors and Mandatory Inclusionary Housing.

The maximum depth of excavation was approximately 18 feet below surface grade (bsg) within the area of the elevator pit (extending approximately 5 feet below the cellar slab level). Excavation for the basement was extended to approximately 13 feet bsg and excavation within the slab-on-grade portion of the building was extended to approximately 2 feet bsg. The northwestern corner of the Site (the rear yard area) was excavated to 4 feet bsg to remove the former drywell system and most of the historical fill. Note: The southwestern corner of the Site was planned to be excavated to 7 feet bsg to remove petroleum-impacted soil; however, due to a Metropolitan Transportation Authority (MTA) tunnel vent structure located along Pitkin Avenue, the MTA prohibited any excavation below 2 feet bsg.

Date of Voluntary

Cleanup Agreement: April 9, 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:

- ☐ 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 31st day after the Office notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Shaminder Chawla".

Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation

Date of Issuance: August 14, 2023
Site No.: 20CVCP019K