



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

October 13, 2022

Samuel Kairy
113 Hamilton Avenue LLC
1946 Coney Island Avenue
Brooklyn, NY 11223

Re: Notice of Completion
113 Hamilton Avenue, Brooklyn, NY
OER Site Number: 19CVCP079K

Dear Samuel Kairy:

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 13, 2022. 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): 113 Hamilton Avenue LLC

Site Information: Site Name: 113 Hamilton Avenue
Site Owner: 113 Hamilton Avenue LLC
Street Address: 113 Hamilton Avenue, Brooklyn, NY
Block 362, Lot 1
OER Site Number: 19CVCP079K

Project Description: The Site is located at 113 Hamilton Avenue in Brooklyn, New York and is identified as Block 362 and Lot 1 on the New York City Tax Map. The triangular shaped Site is 5,119-square feet and is bounded by Woodhull Street to the north, the intersection of Columbia Street and Hamilton Street to the south, Columbia Street to the east, and Hamilton Avenue to the west.

Prior to remediation, the Site was most recently used as an automobile repair facility which contained a 1,477-square foot single-story slab-on-grade concrete building with three service bays located on the northeast portion of the Site. The remainder of the Site was used as an asphalt-paved parking lot.

The current use of the Site consists of a new one-story slab-on-grade restaurant and bar with a small mezzanine above the kitchen and bathroom area. The building is approximately 30 feet in height and contains no basement or landscaped areas. The development covers the entire footprint of the Site which is approximately 5,119 square feet. The ground floor is approximately 4,209 square feet and the mezzanine is approximately 1,310 square feet in size. The remainder of the Site will be used for outdoor seating.

Date of Voluntary

Cleanup Agreement: July 30, 2019

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,



Shaminder Chawla
Deputy Director
New York City Office of Environmental Remediation