



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Shaminder Chawla
Acting Director
Tel: (212) 788-8841

July 2, 2024

Mr. Brad Fisher
Getty Realty Corp.
292 Madison Avenue
New York, NY 10017

Re: Notice of Completion
3513 Atlantic Avenue, Brooklyn, NY
OER Site Number: 20CVCP053K

Dear Mr. Fisher:

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 2, 2024. Congratulations!

To apply for a Brownfield Incentive Grant (BIG) cleanup grant, submit a grant application within 6 months of the NOC issuance date. More information is available at <https://www.nyc.gov/site/oer/grants/big-grants.page>.

If you have any questions regarding any of these items, please contact me at 212-442-3007.

Sincerely,


Shaminder Chawla
Acting Director



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NOTICE OF COMPLETION

Notice Holder(s): Getty Realty Corp.
292 Madison Avenue
New York, NY 10017

Site Information: Site Name: 3513 Atlantic Avenue
Site Owner: Leemilt's Petroleum, Inc.
Street Address: 3513 Atlantic Avenue, Brooklyn, NY
Block 4151, Lot 54
OER Site Number: 20CVCP053K

Project Description: Redevelopment of this 18,760 square feet property included the construction of an approximate 6,800-square foot, slab on grade building that will be utilized as a retail commercial auto parts store. The on-Site building comprises approximately 36 percent of the lot footprint. The on-Site building is set back approximately 70 feet from the eastern property boundary, 5 feet from the western property boundary, 25 feet from the northern property boundary, 5 to 10 feet from the southern property boundary.

Approximately 11,960 square feet of the lot is open space that is utilized for customer parking areas, landscaped areas, and a dumpster pad in the northwest corner of the Site. All parking areas are located on asphalt covered surfaces. All landscaped areas are comprised of 12-inches of clean topsoil.

Excavations for the building's foundation footings extended to approximately 7 feet below ground surface (ft bgs) and totaled approximately 2,400 square feet in area. A stormwater detention system was installed on the east side of the property. Landscaped areas were backfilled with either No. 8 3/8-inch clean, crushed stone (in the vicinity of the stormwater detention tank system) or on-Site soils. Landscaped areas totaled 1,442 square feet in area and were finished with 12-inches of topsoil.

Date of Voluntary

Cleanup Agreement: March 10, 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:

- Unrestricted Use
- Restricted Use (Track 2):
 - Residential
 - Restricted Residential
 - Commercial

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
Acting Director
New York City Office of Environmental Remediation