



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

December 14, 2022

Yitzchok Grossman
438 Union Ave LLC
183 Wilson Street, #133
Brooklyn, NY 11211

Re: Notice of Completion
438 Union Avenue, Brooklyn, NY
OER Site Number: 19CVCP081K

Dear Mr. Yitzchok Grossman:

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 November 30, 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): 438 Union Ave LLC

Site Information: Site Name: 438 Union Avenue
Site Owner: 438 Union Ave LLC
Street Address: 438 Union Avenue, Brooklyn, NY
Block 2761, Lot 5
OER Site Number: 19CVCP081K

Project Description: The Site development consisted of the construction of a new six-story residential building with a mezzanine, a cellar, a rear yard, and a total of 13 dwelling units, including a penthouse apartment on the mezzanine floor. The building is approximately 71 feet high to the top of the roof bulkhead and has a total gross area of 11,467.78 SF with a floor area of 9,228.15 SF, covering the western portion of Site with a building footprint of approximately 1,603.33 SF. The remainder of the lot consists of a rear yard located on the eastern portion of the Site. The cellar covers a portion of the building footprint and consists of a sprinkler and mechanical room, and a storage area. The first through sixth floor mezzanine consist of residential apartment units. The roof above the mezzanine floor consists of mechanical areas and bulkhead, and a recreation area of approximately 304.53 SF.

The development required excavation to a depth of approximately 10 feet below grade (ft-bg) to accommodate the cellar and the building foundation. Additionally, excavation was completed to a depth of approximately 16 ft-bg to accommodate the elevator pit. Soil/fill was excavated to a depth of approximately two ft-bg and clean stone was imported as backfill material for the rear yard.

**Date of Voluntary
Cleanup Agreement:** August 26, 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

Date of Issuance: December 14, 2022
Site No.: 19CVCP081K