



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Daniel Walsh, Ph.D.

Director

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NOTICE OF COMPLETION

Notice Holder(s): 105 Metropolitan Ave, LLC
97 Main Street – PO Box 686
Wainscott, NY 11975
Attention: Mr. Ethan Bregman

Site Information: Site Name: 105 Metropolitan Ave, LLC
Site Owner: 105 Metropolitan Ave, LLC
Street Address 105 Metropolitan Avenue, Brooklyn, NY, 11211
Block: 2358 Lot: 36
OER Site Number: 11CBP013K

Site Description: The proposed future use of the Site is industrial and will consist of a machine shop and office space. The current site is vacant with no buildings or structures. The proposed redevelopment includes the construction of a two-story industrial building with a basement. The building will total 6,347 square feet in size and will be utilized as a machine shop and office space. The basement level and ground floors will be utilized as a machine shop, while the second floor of the proposed building will be utilized as office space. Excavation to a depth of approximately 12 feet below sidewalk grade was required for foundation construction. Remediation of this site includes installation of vapor barrier.

**Date of Voluntary
Cleanup Agreement:** July 20, 2011

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, data submitted pursuant to the Voluntary Cleanup Agreement, and other relevant information regarding the Site, that the remediation requirements set forth Section 1407 of Title 43 of the Rules of the City of New York have

been achieved in accordance with the time frames, if any, established in the remedial 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 (Track 1)
- Restricted Use (Tracks 4): *[If restricted use, check one of following]*
 - 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.

The Notice holder(s) shall be entitled to the liability limitation provided by the Memorandum of Understanding between the New York City Office of Environmental Remediation and the New York City Department of Environmental Protection, dated January 18, 2010, which shields the Site, upon issuance of a Notice of Completion, from enforcement under the Hazardous Substances Emergency Response Law (Title 24, Chapter 6 of the New York City Administrative Code).

The Notice holder(s) are also entitled to the statement of no further interest made by New York State Department of Environmental Conservation in a Memorandum of Agreement between NYS DEC and the New York City Office of Environmental Remediation dated July 10, 2012.

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;
- or

(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.

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 "Daniel C. Walsh".

Daniel C. Walsh, Ph.D.

Director,

New York City Office of Environmental
Remediation

Date of Issuance: September 9, 2013
Site No.: 11CBP013K