



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841

May 27, 2016

Mr. Shai Kolberg
79 Clay Street LLC
101 Broadway, STE 500
Brooklyn, N.Y. 11249

Re: Notice of Completion
79 Clay Street, Brooklyn, NY
OER Project # 14EHAZ145K / NYC VCP Site # 14CVCP174K

Dear Mr. Kolberg

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 May 27, 2016. 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): Mr. Shai Kolberg
79 Clay Street LLC
101 Broadway, STE 500
Brooklyn, N.Y. 11249

Site Information: Site Name: 79 Clay Street
Site Owner: Mr. Shai Kolberg
Street Address: 79 Clay Street, Brooklyn, NY
Block 2483, Lot(s) 61
OER Project # 14EHAZ145K / NYC VCP Site # 14CVCP174K

Project Description: A new 4-story residential building with a full cellar and top soil capped rear yard has been constructed at the Site. The new building and cellar occupies 73% of the Site, leaving a top soil capped rear courtyard (27% of the Site) behind the building. The cellar consists of accessory space, storage and utility rooms. Access to the basement is provided via stairwell. The upper floor consists of residential space. The site is equipped with a 2nd floor mezzanine level and a 4th floor mezzanine level. There are a total of 8 residential units.

The top of the concrete cellar slab (on 73% of property) was installed at depth of approximately 11 feet below sidewalk level. An additional 10 feet (10%) of the site was sloped and the rear yard (17% of the Site) was excavated to a depth of approximately 3-3.5 feet. A total of approximately 546.40 tons of non-hazardous historic fill material and 1,076.88 tons of native soil was excavated for the new building and from the rear yard.

The current zoning designation is M1-2; manufacturing and residential R6A. The use is consistent with existing zoning for the property.

**Date of Voluntary
Cleanup Agreement:** May 15, 2014

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 (Track 1)
 Restricted Use (Tracks 2 building footprint and Track 4 rear yard):
 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: May 27, 2016
Site No.: 14CVCP174K