



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number B00561184-I1

April 21, 2022

Re: 2905 West 17th Street; 1628 Mermaid Avenue, 2916 West 16th Street; 2901-2909 West 17th Street; 1622 Mermaid Avenue
Brooklyn Block 7062, Lot 1 (Former Lots 1 and 14)
Hazardous Materials and Noise “E” Designation
E-229: Coney Island Rezoning - CEQR 08DME007K - 7/29/2009
OER Project Number 22EH-N147K / 22CVCP041K

Dear Brooklyn Borough Commissioner:

The New York City Office of Environmental Remediation (OER) hereby issues a Notice to Proceed for the above-referenced Department of Buildings Job Number. This correspondence is provided pursuant to OER’s responsibilities as established in Subchapter 7 of Chapter 14 of Title 43 of the Rules of the City of New York and Section 11-15 of the Zoning Resolution of the City of New York. The Applicant has filed a Hazardous Materials Remedial Action Work Plan and Noise Remedial Action Plan that are acceptable to this Office and has prepared a Construction Health and Safety Plan for implementation on this project. OER’s Decision Document that defines the remedial actions required for this project has been prepared and filed and is available on request.

At the conclusion of remedial activities required under this action, the Zoning Resolution and §43-1474 of the Rules of the City of New York requires that OER issue a Notice of Satisfaction signifying that all remedial action requirements established for this project have been satisfied prior to issuance of the Certificate of Occupancy or Temporary Certificate of Occupancy by Department of Buildings.

If you have any questions or comments, please feel free to contact Samantha Catalanotto at 212-788-2676.

Sincerely,

Sarah Pong
Assistant Director

cc: George Rigas, 2909 West 17th Street LLC - GRigas@arcemc.com
Haris Mamagakis, R.A., NOESIS Designs - harismamagakis@gmail.com
Paul Bregianos, 2909 West 17th Street LLC - paul.arcelectric@gmail.com
Joseph Sgueglia, Advanced Cleanup Technologies, Inc. - josephs@act.earth
Mark McIntyre, Shaminder Chawla, Zach Schreiber, Maurizio Bertini
Samantha Catalanotto, PMA-OER



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DECISION DOCUMENT
NYC VCP, E-Designation
Remedial Action Work Plan Approval

April 21, 2022

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The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated March 2022 with Stipulation Letter dated 4/12/2022 and the Remedial Action Plan for Noise dated April 2022 for the above-referenced project.

These Plans were submitted to OER under the NYC Voluntary Cleanup Program and E-Designation Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on March 6, 2022. There were no public comments.

Project Description

The proposed future use of the Site will consist of a new mixed-use eight-story building. The proposed building will encompass the entire property and will consist of a full basement to a depth of 5 feet 7 inches with pile caps installed to 13 feet below ground surface (bgs). The basement will include a parking garage. The cellar floor will consist of parking and commercial space. The first floor will consist of parking and affordable housing residential units. Floors two through eight will consist of affordable housing residential units.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “2905 West 17th Street” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 7 and the Zoning Resolution and §43-1474 of the Rules of the City of New York.

Description of Selected Remedy for Hazardous Materials

The remedial action selected for the 2905 West 17th Street site is protective of public health and the environment. The elements of the selected remedy are as follows:

1. Preparation of a Community Protection Statement and performance of all required NYC VCP Citizen Participation activities according to an approved Citizen Participation Plan.
2. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Establishment of Track 4 Site-Specific Soil Cleanup Objectives (SCOs).
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
5. Completion of a Waste Characterization Study prior to excavation activities. Waste characterization soil samples will be collected at a frequency dictated by disposal facility(s).

6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. The entire footprint of the building area will be constructed at grade. The entire footprint of the site will be excavated to a depth of approximately 4 feet below grade with localized excavation for the installation of the pile caps to 6 feet below grade. Two small portions of property will be excavated to the depth of 8 feet below grade for elevator pits. All portions of the cellar will be at grade. The topography of the property is generally level; elevation of the sidewalk along the Site ranges from 5.76' along Mermaid Avenue to 6.79' along West 17th Street. Approximately 4,500 tons of soil/fill will be removed from the Site and properly disposed at an appropriately licensed or permitted facility.
7. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID. Appropriate segregation of excavated media on-Site.
8. Management of excavated materials including temporarily stockpiling and segregating in accordance with defined material types and to prevent co-mingling of contaminated material and non-contaminated materials.
9. Removal of all underground storage tanks (USTs) that are encountered during soil/fill removal actions. Registration of tanks and reporting of any petroleum spills associated with USTs and appropriate closure of these petroleum spills in compliance with applicable local, State and Federal laws and regulations.
10. Transportation and off-Site disposal of all soil/fill material at licensed or permitted facilities in accordance with applicable laws and regulations for handling, transport, and disposal, and the RAWP. Sampling and analysis of excavated media as required by disposal facilities.
11. Collection and analysis of five (5) post-excavation confirmation samples to determine the performance of the remedy with respect to attainment SCOs. Samples will be analyzed for contaminants of concern SVOCs and Lead.
12. Import of materials to be used for backfill and cover in compliance with the RAWP and in accordance with applicable laws and regulations.
13. Construction of an engineered composite cover consisting of an 8- to 36-inch-thick concrete building slab with a 6-inch clean granular sub-base within the building footprint. The 36-inch-thick concrete slab will be located around each elevator pit and the stairwell located on the southeastern portion of the property. The composite cover throughout the remainder of the property will consist of an 8-inch-thick slab.
14. Installation of a vapor barrier system consisting of vapor barrier beneath the building slab and outside of sub-grade foundation sidewalls to mitigate soil vapor migration into the building. The waterproofing/vapor barrier system will consist of a 20-mil Preprufe 300R manufactured by W.R. Grace & Co. beneath the building slab and sub-grade foundation sidewalls through the above grade cellar walls to the flood zone elevation of 12'. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. The vapor barrier system is an Engineering Control for the remedial action. The remedial engineer will certify in the closure report that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.
15. Construction and operation of a grade-level and first-floor parking garage with high volume air exchange in conformance with NYC Building Code.
16. Performance of all activities required for the remedial action, including acquisition of required permits and attainment of pretreatment requirements, in compliance with applicable laws and regulations.
17. Dewatering in compliance with city, state, and federal laws and regulations. Extracted groundwater will either be containerized for off-site licensed or permitted disposal or will be treated under a permit from New York City Department of Environmental Protection (NYCDEP) to meet pretreatment requirements prior to discharge to the sewer system.
18. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
19. Submission of a Remedial Action Report (RAR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, lists any changes from the RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site.
20. Submission of an approved Site Management Plan (SMP) in the RAR for long-term management of residual contamination, including plans for operation, maintenance, monitoring, inspection and certification of Engineering and Institutional Controls and reporting at a specified frequency.
21. The property will continue to be registered with an E-Designation at the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls in the RAWP and a requirement that management of these controls must be in compliance with an approved SMP. Institutional Controls will include prohibition of the following: (1) vegetable gardening and farming; (2) use of groundwater without

treatment rendering it safe for the intended use; (3) disturbance of residual contaminated material unless it is conducted in accordance with the SMP; and (4) higher level of land usage without OER-approval.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 2905 West 17th Street site are as follows:

1. 35 dBA in residential spaces; and
2. 30 dBA in the commercial space based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation. It is understood that this reduction may prevent the project from obtaining a Final Notice of Satisfaction for the Noise E as the site is not protective for all allowable uses.

The following windows will be installed:

| Facade Floor Range | OITC Rating | OITC Certification | Manufacturer and Model | Glazing |
|--|---------------------|--|--|---|
| Mermaid Ave., W.16 th Street & W. 17 th Street Façades Cellar (Grade Level) Storefront for Commercial Retail Store | 31 (required 30) | See ASTM E-90 Acoustical Report No. 01-33052.03, ATI Job File No. 01-33052.03-1 for the exact window and glazing | Kawneer Co., Inc., TriFab® VG 451T Front, Store Front System | 5/16” Laminated inner lite; .526” Low-E air space; 5/16” Laminated outer lite |
| All Facades 1 st – 8 th Floors Residential | 35 (required 35) | See ASTM E-90 Acoustical Report No. D9267.01-113-11 for the exact window and glazing | REHAU Series S4500 Tilt-Turn window | 1-3/8” IG (3/8” Laminated exterior, 5/16” Argon, 1/8” Annealed, 5/16” Argon, 1/4” Laminated interior) |

In order to satisfy the requirements of the E-Designation, Alternate Means of Ventilation (AMV) will be installed in order to maintain a closed window condition. AMV for this project will be achieved by:

1. **Trickle Vents:** Installing TV90 TV425 trickle vents manufactured by Titon on all floors in all residential units. Fresh air will be provided to all bedrooms and living rooms by the trickle vents. Heating and cooling will be provided to residential spaces receiving fresh air via trickle vents by an air-cooled heat pump split system manufactured Mitsubishi.
2. **Compliance with Mechanical Code:** Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the 2014 NYC Mechanical Code.

The remedies for the Hazardous Materials and Noise E Designations described above conform to the promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration OER guidance, as appropriate.

4/21/2022



Date

Samantha Catalanotto
Project Manager

4/21/2022



Date

Sarah Pong
Assistant Director

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