



**OFFICE OF ENVIRONMENTAL REMEDIATION**

100 Gold Street – 2<sup>nd</sup> Floor  
New York, New York 10038

**Mark P. McIntyre, Esq.**  
**Director**

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**NOTICE TO PROCEED**  
**DOB Job Number NB 321066573**

November 20, 2018

Re: 157 New Jersey Avenue; 2669-2671 Atlantic Avenue; 153-163 New Jersey Avenue  
Brooklyn Block 3671, Lot 43  
Hazardous Materials and Noise “E” Designation  
E-366: East New York - CEQR 15DCP102K - 4/20/2016  
OER Project Number 18EH-N061K / 18CVCP043K

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 Chapter 24 of Title 15 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 §24-07 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,

Shaminder Chawla  
Deputy Director

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

November 20, 2018

Re: 157 New Jersey Avenue; 2669-2671 Atlantic Avenue; 153-163 New Jersey Avenue  
Brooklyn Block 3671, Lot 43  
Hazardous Materials, Noise E Designation  
E-366: East New York - CEQR 15DCP102K - 4/20/2016  
OER Project Number 18EH-N061K / 18CVCP043K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated November 2018 with Stipulation Letter dated November 16, 2018 and the Remedial Action Plan for Noise dated November 2018 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 will end on December 1, 2018. Any comments received may change the remedy. NYS DEC and NYCDOHMH were briefed on February 1, 2018.

**Project Description**

The proposed future use of the Site will consist of a new commercial use and a new residential use building. The current zoning designation is C4-4D. The proposed use is consistent with existing zoning for the property. As part of development, the referenced lot is expected to be sub-divided into tentative lots 143 (northern portion, 157 New Jersey Avenue) and 43 (southern portion, 2671 Atlantic Avenue). The development project on proposed Lot 143 consists of a new commercial building.

The proposed commercial development includes excavation to approximately ten feet below grade surface (bgs) for a full cellar below the building footprint and to approximately six feet bgs in the rear yard area, followed by construction of an 11-story hotel. In the proposed commercial development, the above-grade building will occupy approximately 60 feet of the front lot and the rear 40 feet of the lot will be off-street parking. The basement will include mechanicals and hotel rooms, the first floor will include a lobby (reception and breakfast area) and hotel rooms, and Floors 2 through 11 will be hotel rooms.

The development project on proposed Lot 43 will be completed at a later date and will be a residential building. The proposed residential development includes excavation to approximately ten feet below grade (ft-bg) for a full cellar below the entire Lot, followed by construction of a residential building. The residential building will be designed at a later date.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “157 New Jersey Avenue” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1 and the Zoning Resolution and §24 - 07 of the Rules of the City of New York.

### **Description of Selected Remedy for Hazardous Materials**

The remedial action selected for the 157 New Jersey Avenue 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 were collected during implementation of the RI at a frequency dictated by typical disposal facilities.
6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific Use SCOs. The Site is divided into two separate redevelopment plans. The northern portion of the Site will be excavated to depths between six and ten ft-bg. The southern portion of the Site will be excavated to a depth of ten ft-bg. The hotspot areas at SB-8 and SB-4 will be removed in this process. The footprint of both buildings will cover the entirety of the property. A small portion of property will be excavated to the depth of fifteen feet below grade for elevator pits. If Track 1 SCOs are pursued, a small portion of the rear yard will be over excavated to a depth of approximately ten ft-bg. Approximately 4,000 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.
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 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 this plan. Sampling and analysis of excavated media as required by disposal facilities. Appropriate segregation of excavated media on-Site.
11. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of Track 4 SCOs.
12. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
13. Construction of an engineered composite cover consisting of a minimum four-inch thick concrete building slab with a minimum six-inch clean granular sub-base beneath all building areas and an asphalt-paved parking area around the building.
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 vapor barrier system will consist of a 20-mil Stego Wrap below the slab throughout the full building area and a 46-mil Preprufe 160R outside all sub-grade foundation sidewalls. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration.
15. 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.
16. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
17. Submission of a Remedial Action Report (RAR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, and lists any changes from this RAWP.
18. Submission of an approved Site Management Plan (SMP) in the Remedial Action Plan (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.

19. The property will continue to be registered with an E-Designation at the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls in this 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 157 New Jersey Avenue site are as follows:

1. 28 dBA for all façades.

The following window types will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
East and West Façades  Including basement and 1 <sup>st</sup> through 7 <sup>th</sup> Floor  W1  Commercial Use	31 dBA (required 28)	See ASTM E-90 acoustical report in Appendix E	Lineal 62 Tile Turn Window	1-1/8" IG (1/4" annealed exterior, 5/8" air space, 1/4" laminated interior)
Rooftop Bulkhead, West Elevation  Roof  W4  Commercial Use	30 (required 28)	See ASTM E-90 acoustical report in Appendix E	Crystal Window Double Siding (5600 HS)	1" IG (9/32" annealed exterior 7/16" air space, 9/32" laminated interior)
West Façade  First Floor  W2  Commercial Use	30 (required 28)	See ASTM E-90 acoustical report in Appendix E	Crystal Window 8810 Fixed Window  (26 SF)	1-1/4" IG (5/16" laminated, 5/8" argon, 5/16" laminated)
West Façade  First Floor  W3  Commercial Use	30 (required 28)	See ASTM E-90 acoustical report in Appendix E	Crystal Window 8810 Fixed Window  (37 SF)	1-1/4" IG (5/16" laminated, 5/8" argon, 5/16" laminated)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
West Façade First Floor C1 Commercial Use	32 (required 28)	See ASTM E-90 acoustical report in Appendix E	Crystal window/door Glass Swing Door (1450)	1-3/16" IG (1/4" tempered exterior, 7/16" air space, 1/2" 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. **Combination of Dedicated Fresh Air/ HVAC System:** Installing Carrier model 62DCBA09VBD431BG dedicated outdoor air system (DOAS) with air cooled condensing systems manufactured by Mitsubishi (model PUMY-P48NKMU1) on the roof and air handling units in each residential unit serving hotel rooms in the cellar to Floor 7 for heating and cooling. The DOAS located on the roof and air handling units and associated ducting will provide fresh air to each hotel room in each residential unit. P.E.-certified mechanical drawings depicting the AMV system and how fresh air is delivered into each of the living spaces are provided in Appendix H. A letter from the engineer who designed the dedicated fresh air/ HVAC system describing the system, the equipment involved (stating the manufacturer and model information), and how fresh air is delivered into each of the living spaces is attached as Appendix I.
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. In all cases, the rate of outside air (cfm) delivered to each habitable space (bedrooms and living spaces) will meet or exceed that specified in the 2014 New York City Mechanical Code table 403.3 - minimum ventilation. These rates will be the greater of 1.5 air changes per hour or 10 cfm per person, representing the outdoor ventilation otherwise provided by the operable windows.

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

11/20/2018



Date

Samantha Catalanotto  
Project Manager

11/20/2018



Date

Shaminder Chawla  
Deputy Director – Hazardous Materials

11/20/2018



Date

Maurizio Bertini, Ph.D.  
Assistant Director – Noise

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