



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

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**Director**

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**NOTICE TO PROCEED**

**DOB Job Number NB 340770473, NB 340771720**

October 4, 2021

Re: 156 – 158 Somers Street  
Brooklyn Block 1544, Lots 15, 16  
Hazardous Materials and Noise “E” Designation  
E-366: East New York - CEQR 15DCP102K - 4/20/2016  
OER Project Number 20EH-N203K / 20CVCP076K

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,

Zach Schreiber, Ph.D.  
Assistant Director

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

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Re: 156 – 158 Somers Street  
Brooklyn Block 1544, Lots 15, 16  
Hazardous Materials and Noise “E” Designation  
E-366: East New York - CEQR 15DCP102K - 4/20/2016  
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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 June 2021 with Stipulation Letter dated June 3, 2021 and the Remedial Action Plan for Noise dated September 2021 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 June 28, 2021. There were no public comments. NYS DEC and NYCDOHMH were briefed on May 15, 2020.

**Project Description**

The redevelopment project will consist of two (2) new six (6) story, slab-on-grade residential buildings with concrete rear yard. There will be a total of ten (10) units per building consisting of one unit each on the first and sixth floor and two units per floor on the second to the fifth floor. The first floor will consist of a lobby, one bedroom, living/dining room, bathroom, kitchen, trash room, electrical/water meter & sprinkler room and communication room. The height of the buildings will be 70’, with a 15’ setback facing Somers Street. The building footprint per lot will be 1,475 SF and will cover 58% of the lot and the remaining 42% (1,025.33 SF) will be used as front and rear yard. The front yard is approximately 100 SF for each building. The excavation depth in slab-on-grade areas will be approximately five (5) feet below grade. Support of excavation will be performed to approximately 6 feet by excavating a 1 to 1 slope from the rear towards the front yard. Excavation will also be performed for the elevator pit to a depth of 5.5 feet below the base of the foundation slab. The elevator pit floor will be constructed of 1.5 feet of poured concrete and with concrete sidewalls approximately 1 foot thick. The rear yard will be excavated to at least 2 feet below grade and will be covered with a sub-base material and capped with concrete. The front yard will be excavated to 6 feet on a 1:1 slope for the building footing. Prior to completion of site construction, the front yard will be covered with clean sand and six-inch sub-base material and capped with 4 inches of concrete. The sidewalk areas will be constructed of four-inch poured concrete on a six-inch sub-base. Hot-spot locations will each be excavated to an approximate depth of 6 feet below grade. Groundwater is approximately 82 feet at the Site and will not be encountered during excavation activities. The total tonnage of soil to be excavated is anticipated to be approximately 920 tons (1,242 cubic yards).

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “156 - 158 Somers Street” 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 156 - 158 Somers Street site is protective of public health and the environment. The elements of the selected remedy are as follows:

The proposed remedial action will consist of:

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). A Waste Characterization Report documenting sample procedures, location and analytical results shall be submitted to NYCOER prior to start of Remedial Action.
6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. For development purposes, the proposed two (2) new six (6) story, slab-on-grade residential building footprints will be excavated to a depth of approximately 5 feet below grade for the new foundation slab. Two hot-spot excavations at RI sample locations SP-8 and SP-10 will be performed each to an approximate depth of 6 feet below grade. The hotspot located at SP-8 will be within the footprint of the building, while the second hotspot location SP-10 will be at the rear yard. The front yard will be excavated to 6 feet on a 1:1 slope for the building footing. Following excavation of the hotspot locations, collection and analysis of four (4) sidewalls and one (1) bottom end-point sample from each location will be performed to determine the performance of the remedy with respect to attainment of SCOs. The rear yard will be excavated to 2 feet below grade while the hotspot areas will be excavated to 6 feet below grade. Approximately 920 tons of soil will be removed from the Site and properly disposed of 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 UST's that are encountered during soil/fill removal actions. Registration of tanks and reporting of any petroleum spills associated with UST's 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 twelve (12) hotspot and post-excavation confirmatory endpoint soil samples and three (3) pre-cap endpoint soil samples to determine the performance of the remedy with respect to attainment of Track 4 Site-Specific SCOs.
12. If applicable, demarcation of residual soil/fill in landscaped areas.
13. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
14. Construction of an engineered composite cover consisting of 5-inch-thick concrete building slab with a 6-inch clean granular sub-base beneath all building areas, 4-inch poured concrete on 6-inch sub-base sidewalk areas. The front yard will be excavated to approximately 6 feet below grade for the building footing and the rear yard will be excavated to a minimum of two feet below grade. Both areas will be covered with six-inch sub-base material and capped with 4 inches of concrete.
15. 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 Raven Industries' VaporBlock 20 Plus below the slab throughout the full building area and outside all sub-grade foundation sidewalls to meet grade. All welds, seams and penetrations will be properly sealed (as per manufacturer) 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 Remedial Action Plan (RAR) that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.

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. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
18. Submission of a RAR that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, lists any changes from this RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site.
19. 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.
20. 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 156 - 158 Somers Street site are as follows:

In order to meet the requirements of the E Designation, the following window/wall attenuation requirements will be achieved at the locations described below:

1. 39 dBA on all façades.

The following windows will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
Northern façades (Somers Street facing) and southern façades (rear)  1 <sup>st</sup> to 6 <sup>th</sup> Floors  Residential Windows	41 (required 39)	See ASTM E-90 acoustical report for the exact window, door and glazing in Appendix F (Report No. L1561.01-113-11-R0, Data File No. L1561.01D)	Zephyr uPVC Super 82 Tilt-Turn Casement Windows	49.6 mm IG (16.8 mm laminated exterior, 20 mm argon, 12.8 mm laminated interior)
Northern façades (Somers Street facing) and southern façades (rear)  1 <sup>st</sup> to 6 <sup>th</sup> Floors  Residential Windows	41 (required 39)	See ASTM E-90 acoustical report for the exact window, door and glazing in Appendix F (Report No. L1561.01-113-11-R0, Data File No. L1561.01D) and letter from the manufacturer/window profile comparison is included in Appendix G.	Zephyr uPVC Super 82 Fixed Transom Windows	49.6 mm IG (16.8 mm laminated exterior, 20 mm argon, 12.8 mm laminated interior)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Northern façades (Somers Street facing) and southern façades (rear) 1 <sup>st</sup> , 3 <sup>rd</sup> to 6 <sup>th</sup> Floors Residential Front Entrance/Terrace Doors	41 (required 39)	See ASTM E-90 acoustical report for the exact window, door and glazing in Appendix F (Report No. L1561.01-113-11-R0, Data File No. L1561.01D) and letter from the manufacturer/window profile comparison is included in Appendix G.	Zephyr uPVC Super 82 Tilt-Turn Swinging Doors with casement side windows	49.6 mm IG (16.8 mm laminated exterior, 20 mm argon, 12.8 mm 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 Trimvent® SM – Surface mounted aluminum slot ventilators (model # SM405) manufactured by Titon® in all living rooms and bedrooms on floors 1 through 6 for each building. The trickle ventilators will be installed at a minimum frequency of one vent per habitable room.

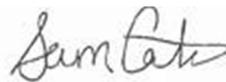
Heating and cooling will be provided to residential spaces receiving air via trickle vents by a ductless cooling and heating system which will be provided on the rooftops of the six-story buildings. Space heating and air conditioning in each apartment will be done by using Mitsubishi electric split type multi zone heat pumps (Indoor Model - MSZ-D36NA/Outdoor Model - MUZ-D36NA) with electric cooling (Indoor Model - MSY-D30NA/Outdoor Model - MUY-D30NA) unit. There are nine (9) electric outdoor condensers each with a cooling capacity of 30,000 Btu/Hr and heating capacity of 32,000 Btu/Hr for each building.

2. **Compliance with Mechanical Code:** Providing outside air to common areas such as lobbies and corridors in accordance with the 2014 NYC Mechanical Code.

The remedies for Hazardous Materials and 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.

10/04/2021

Date



Samantha Catalanotto  
Project Manager

10/04/2021

Date



Zach Schreiber, Ph.D.  
Assistant Director

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